

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31555 of 2022

Arising Out of PS. Case No.-110 Year-2022 Thana- Sursand District- Sitamarhi

Nisha Jha @ Anshu Jha @ Madam Maya W/o Manoj Jha R/o Village -
Shrikhandi Bhiththa, Ward No.-8, P.S. - Sursand, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sursand
P.S. Case No. 110 of 2022 registered for the offence under
Section 21(b) of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.03.2022.

The allegation against the petitioner is to sell cough
syrup, as Newrex syrup, Dialix DC syrup, Rexcof syrup,
Spasmo Lykamon, Spasmo-proxyvon plus tablets and Nitravet.

Learned counsel appearing on behalf of the petitioner
submitted that earlier the license of medicine shop was in favour



of the husband of the petitioner but as certain differences took place with husband, the petitioner was falsely implicated in connivance with local police officers. It is further pointed out that the petitioner has nothing to do with the manufacturing activities of cough syrup/medicine, as same is being manufactured by pharmaceutical companies and even the alleged quantity of contraband be taken into consideration, would not be more than commercial quantity. It is also submitted that compliance of Section 100(4) of the Cr.P.C. as regard to search of premises and also the compliance of Section 42 of the N.D.P.S. Act was not made in present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as petitioner is a lady, who is in custody since 08.03.2022 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sursand P.S. Case No. 110 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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