

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34696 of 2022

Arising Out of PS. Case No.-234 Year-2022 Thana- BUXAR District- Buxar

SONA DEVI Wife Of Late Jawahir Rajbhar @ Buchan Rajbhar Resident of
Mohalla- Shanti Nagar, Hanuman Mandir, Ward No. 34, Buxar , Police
Station- Buxar(T), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Imran, Advocate
Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-09-2022 Heard Mr. Imran, learned counsel for the petitioner
and Mr. Bharat Bhushan learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Buxar (T) P.S. Case No. 234 of 2022 for the offences under
Sections 21, 22 and 27 of Narcotics Drugs and Psychotropic
Substances Act (N.D.P.S. Act).

As per the prosecution story, the police raiding party
reached the Shanti Nagar Mohalla where two accused persons
including a lady tried to escape. Upon search, from Sona Devi
(the petitioner herein) and Sarafat Ali, it is alleged that two
grams each ‘*Heroin*’ like substance were recovered/seized.



Accordingly, the FIR lodged, seizure list prepared and they were arrested.

Learned counsel for the petitioner submits that so far as the present petitioner is concerned, the allegation is of seizure of two grams of '*Heroin*' which comes below the small quantity and she has suffered a lot being in custody since 29.04.2022 (as stated in paragraph 12 of the bail application).

Learned APP on the other hand, submits that there is recovery/seizure of '*Heroin*' like substance from the petitioner. However, he concedes that the seized item is below the small quantity envisaged under the N.D.P.S. Act.

Taking into account the aforesaid facts that she is in custody since 29.04.2022, charge sheet stands submitted and the quantity that has been recovered/seized is two grams, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Buxar in connection with Buxar (T) P.S. Case No. 234 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail her cancellation of bail by the Trial Court itself;

(iii) she shall appear before the concerned police station every fortnight for next six months to mark her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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