

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35063 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- DELHA District- Gaya

=====

GUDIYA DEVI Wife of Late Manoj Prasad Resident of Village/Mohalla -
Mandaraj Bigaha Chhotki Delha, Police Station- Delha, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shivesh Kumar Singh, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-08-2022 Today this case has been listed on the motion slip
filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Shivesh Kumar Singh, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

At the very outset, learned counsel for the petitioner
seeks permission to make necessary correction in paragraph no.
1 and in the prayer portion.

Permission is accorded.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Delha P. S. Case No. 129 of 2022
registered for the offences punishable under Sections 8(c) 21
(b), 25 and 29 of the Narcotic Drugs And Psychotropic



Substances, Act.

As per the prosecution case, it is alleged that the police, on a secret information that co-accused Lacho Devi along with her sister and others associates are indulged in selling heroin like substance, raided the place of occurrence where the petitioner was apprehended and on search 15 sachet of heroin and Rs. 5000/- cash amount was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovered heroin like substance is weighing 2.6 gram and as such, the same is below the small quantity and for which maximum punishment is provided for one year and the petitioner being lady, is in custody since 12.05.2022. It is next submitted that there is no compliance of Section 50 of the N.D.P.S. Act, apart from the other infirmities in the preparation of seizure list and the petitioner, having fair antecedent and moreover, the charge sheet has been submitted without obtaining the FSL report.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovered heroin like substance is below the small quantity and



moreover, the petitioner being lady, is in custody since 12.05.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special court of NDPS, Act, Gaya in connection with Delha P. S. Case No. 129 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.
- (iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

