

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48770 of 2021

Arising Out of PS. Case No.-153 Year-2021 Thana- SURSAND District- Sitamarhi

=====

Sushila Devi W/O Late Binod Mukhiya R/O Village-Srilkhandi Bhitha, P.S-
Sursand, District-Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

8 28-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sursand P.S. Case No. 153 of 2021 lodged under Sections 188,
414 of the I.P.C. read with Sections 18(c)/18(A)/27(B)(ii)/28 of
the Drugs and Cosmetics Act, 2008.

As per the prosecution case, the recovery of N.D.P.S.
material (restricted drugs) has been made from the house of the
petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and an illiterate lady. She is in custody
since 03.04.2021 having no criminal antecedent. Charge sheet

has already been filed in this case. Counsel submits that the other co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 31.05.2022 passed in Cr. Misc. No. 20228 of 2022. Counsel submits that the petitioner's house was used by the main accused person, therefore, she is innocent.

Learned counsel for the State opposes the prayer for bail and submits that the Co-ordinate Bench has granted bail to other accused only on the ground that alleged psychotropic substance were recovered from the co-accused petitioner and she was arrested at spot. Upon specific query that whether charge has been framed in this case or not, counsel shows his unawareness in this regard.

Learned counsel for the petitioner submits that provisional bail was granted to the petitioner vide order dated 09.05.2022 but in view of the submissions made above, the said **provisional bail** granted to the petitioner is hereby cancelled.

However, liberty is hereby granted to the petitioner that she may renew her prayer for bail after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

sadique/-

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