

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40789 of 2022**

Arising Out of PS. Case No.-205 Year-2022 Thana- RUPASPUR District- Patna

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RANI DEVI Wife of Vijay Bind Resident of Mohalla - Teslal Verma Nagar,
Nahar Par, P.S.- Rupaspur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 18-10-2022 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 Rupaspur
P.S. Case No. 205 of 2022 registered for the offence under
Sections 21(b), 22(b) and 29 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.04.2022.

The allegation against the petitioner is to have in
possession of 16.55 gm of brown sugar like substance, along
with the other co-accused, namely, Savita Kumari.

Learned counsel appearing on behalf of the petitioner
submitted that out of 16.55 gm of brown sugar like substance



only half of that, which is about 8.27 gm was alleged to be recovered from this petitioner. It is submitted that seizure list is disputed, as same is not supported by independent witnesses rather by police personnels. It is further submitted that compliance of Section 42 and 50 of N.D.P.S. Act were not made in the present case. It is also submitted that recovered contraband i.e. brown sugar is less than commercial quantity, therefore, a provision of 37 of the N.D.P.S. Act is not applicable in this case. While concluding the argument, it is submitted that petitioner is a lady and, moreover, investigation of this case is complete, 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 recovered contraband i.e. brown sugar like substance is less than commercial quantity, where petitioner is a lady 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 Rupaspur P.S. Case No. 205 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 Additional District & Sessions Judge-IV,



Patna/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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