

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55237 of 2021

Arising Out of PS. Case No.-264 Year-2020 Thana- BRAHMPURA District- Muzaffarpur

Megha @ Kahkasha Khatoon @ Megha Kumari Wife of Late Salim Warasi
R/o Pakki Sarai Road, Faridi Gali, P.S.- Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-02-2022 Heard learned counsel for the petitioner and Shri
Rabindra Kumar, learned A.P.P. for the State.

The petitioner seeks bail in connection with
Brahampura P.S. Case No. 264 of 2020 instituted for the
offences under Sections 8, 20(b)(ii)(A) of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 03.06.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from
perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that on 22.10.2020 when the
informant along with police force were on patrolling duty and
they reached at Juran Chhapra, Indraprastha Hospital Lane, they
saw one person sitting in a suspicious state and on seeing the



police jeep, the said accused tried to run away but he was apprehended and disclosed his name as Aslam Khan and on search 101 sachets of smack like substance was recovered. It is submitted that the said accused further disclosed that he has purchased the said sachets from this petitioner.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that though informant alleges that on search of Aslam Khan, 101 sachets of smack like substance is alleged to have been recovered but from perusal of the F.I.R. and the seizure list it would manifest that the weight of the alleged recovered substance is missing as such it is difficult to ascertain whether the seized substance was *charas* and whether it was of commercial or small quantity. Learned counsel for the petitioner submits that since weight of the alleged substance is not mentioned in the F.I.R. and in the seizure list, this amply shows that Aslam Khan was falsely implicated in the case and nothing was recovered from his possession and based on his confession, the present petitioner also came to be implicated. Learned counsel further submits that co-accused Aslam Khan has been granted bail vide order dated 02.12.2021 passed in Cr. Misc. No. 25762 of 2021.



Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner that neither the F.I.R. nor the seizure list discloses the weight of the alleged narcotic which is alleged to have been seized.

Considering the fact that the petitioner is a woman, is in custody since 03.06.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and the co-accused on whose confessional statement name of the petitioner transpired, has been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Muzaffarpur in connection with Brahampura P.S. Case No. 264 of 2020.

(Satyavrat Verma, J)

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