

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45931 of 2022

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

SAVITA KUMARI Wife of Munna Kumar Resident of Mohalla- Taslal Verma
Nagar, Naharpar, P.S- Rupaspur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Special
Case No. 44 of 2022 arising out of Rupaspur P.S. Case No. 205 of
2022 registered for the offences punishable under Sections
21(b)/22(b)/29 of the N.D.P.S. Act, 1985.

As per prosecution case, the allegation against the
petitioner is to have in possession of 16.55 gm of Brown Sugar
like substance alongwith the other co-accused Rani Devi.

Learned counsel for the petitioner submits that
petitioner is in custody since 16.04.2022. Petitioner bears one
criminal antecedent which is not similar to the present case.



Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that out of 16.55 gm Brown Sugar like substance and only half of that which is weighing near about 8.27 gm was alleged to be recovered from the present petitioner. Petitioner is quite innocent and has not committed any offence as alleged against her in the F.I.R.. Seizure list has not been made as per the law. It is further submitted that there is no compliance of Section 42 and 50 of N.D.P.S. Act 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 N.D.P.S. Act is not applicable in this case. On similar allegation, co-accused Rani Devi has already been granted bail vide Cr. Misc. No. 40789 of 2022 by co-ordinate bench of this court.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by co-ordinate bench of this court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 A.D.J. IV, Patna in connection with Special Case No. 44 of 2022 arising out of Rupaspur P.S. Case No. 205 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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