

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62585 of 2021**

Arising Out of PS. Case No.-771 Year-2021 Thana- KHAJANCHI HAT
District- Purnia

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NITU KUMARI W/o Birendra Kumar Mahto Resident of Village- Murgi
Faram Road, P.S.- K. Hat, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Praveen Kumar Agrawal, Advocate
For the State : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 8(c)/21(b) of the NDPS Act.

As per prosecution case, in brief, it is alleged by the
informant, who is PSI of K. Hat Police Station that on
26.08.2021 at about 14:30 hours he received secret information
that the accused petitioner is selling intoxicated material in her
thatched house. On this information, the Superior Police Officer
constituted a joint raiding party including SDPO, Probationary,



Dy. Superintendent of Police, Purnea as well as Mahila constable. On such information, the above said party surrounded the house of the accused petitioner and searched the house in presence of depute Magistrate as well as two independent witnesses and recovered cash of Rs. 39,700/-, Aluminum rapper role, two mobiles and 09 grams smack (heroine) including plastic from the house of the petitioner. The police personnel apprehended the accused petitioner who disclosed that her husband namely Birendra Kumar Mehta gave the same for selling in Purnea.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. Further submits that it appears from the F.I.R. as well as seizure list that a cash of Rs. 39,700/-, two mobile sets and 09 grams of smack (Heroine) has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that the alleged quantity of the narcotics recovered from the possession of the petitioner is less than the commercial quantity and rigors of Section 57 of the NDPS Act, 1985 could not be attracted and the petitioner deserves the privilege of bail and the petitioner is in custody since 27.08.2021.



Learned APP for the State has opposed the prayer for bail of the petitioner and submits that FSL report confirms that the recovery articles is Heroine.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with K. Hat P.S. Case No. 771 of 2021, Special Case No. 65 of 2021 (NDPS Act), with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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