

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52750 of 2022

Arising Out of PS. Case No.-954 Year-2021 Thana- MADHEPURA District- Madhepura

Shyamwari Devi @ Shyampari Devi W/o Sitaram Paswan Resident of
Village- Bhirakhi, Ward No.25, P.S. and District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-10-2022 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
Madhepura P.S. Case No. 954 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018 and under Sections 21(B), 22(B) of N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor/ cough syrup,
where, there was recovery of 8 litres of illicit liquor/cough
syrup.



Learned counsel appearing on behalf of the petitioner submitted that petitioner involved in present case only being registered owner of motorcycle bearing Registration No. BR43U-3684. It is further submitted that no recovery of alleged cough syrup was made from physical possession of this petitioner. It is also submitted that composition/quantity of alleged contraband i.e. '*Codeine*', if taken into consideration, the quantity stands less than commercial quantity and as such provision of Section 37 of N.D.P.S. Act is not applicable. While concluding the argument, it has been submitted that investigation of this case has been completed, where 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 recovery of alleged cough syrup was not made from conscious physical possession of this petitioner, where implication is only being registered owner of alleged motorcycle bearing No. BR43U-3684, where petitioner is a lady coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Madhepura P.S. Case No. 954 of 2021 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 Sesisons Judge, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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