

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62292 of 2021

Arising Out of PS. Case No.-472 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

Sarita Devi Wife of Surendra Yadav Resident of Village - Panchgava, P.S.-
Sonhan, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bhabua P.S. Case No. 472 of 2021, registered for the offence under Section 399/402 of the I.P.C., Sections 8/20 b(ii) (B)/29/27(A) of the N.D.P.S. Act.

As per prosecution case, 4 kg. & 500 gm. of *Ganja* has been recovered from the house of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the possession of the petitioner. Mandatory provision with regard to search and seizure has not been followed. The alleged *Ganja* is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be applicable in this case. Petitioner has got clean antecedent and she is in custody since 06.09.2021.



However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, huge quantity of *Ganja* has been recovered.

Considering the rival submissions of the parties and the recovery of alleged *Ganja*, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

However, learned trial court is directed to enlarge the petitioner on bail **after framing of charge**.

(Prabhat Kumar Singh, J)

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