

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54603 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- DELHA District- Gaya

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Krishna Prasad Son of Late Mahesh Prasad Resident of Village - Murli Hill ,
P.S.- Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45129 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- DELHA District- Gaya

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Lachho Devi Wife of Late Sukar Paswan @ Sukar Prasad Resident of
Mohalla - Mandraj Bigha, P.S.- Delha, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 54603 of 2022)

For the Petitioner/s : Mr. Shivesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 45129 of 2022)

For the Petitioner/s : Mr. Shivesh Kumar, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with
Delha P.S. Case No. 129 of 2022 lodged under Sections

8(c)/21(b)/25/29 of the N.D.P.S. Act.

As per the prosecution case, counsel for the petitioner of first case (Cr. Misc. No. 54603 of 2022) submits that total recovery of 42 gm smack of heroin (weight with wrapper) and 8 gm bare smack (heroin) alleged to be recovered from the possession of 3 accused persons. There were 4 names in the F.I.R., out of which, 3 were apprehended and the name of one accused person has come by virtue of the statement of co-accused.

Learned counsel for the petitioner of first case submits that the petitioner was apprehended from the place of occurrence and from his possession, 3.7 gm smack (heroin) has been recovered, whereas the petitioner of second case (Cr. Misc. No. 45129 of 2022) has not been apprehended from the place of occurrence and nothing was recovered from her possession.

Learned counsel for the petitioner of first case submits that the said recovery 3.7 gm smack (heroin) is the small quantity and for which the punishment is only one year. Counsel submits that petitioner is in custody since 12.05.2022 having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the petitioner of second case

submits that N.D.P.S. is not attracted in this case, though there are in total 4 criminal antecedent of this petitioner who is a lady but none of the case are relating to N.D.P.S. Counsel submits that she is in custody since 01.07.2022. She had voluntarily surrendered before the Court below.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum-Spl Court of N.D.P.S. Act, Gaya in connection with Delha P.S. Case No. 129 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the

petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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