

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54810 of 2022

Arising Out of PS. Case No.-187 Year-2022 Thana- KARJA District- Muzaffarpur

KHUSHBOO DEVI Wife of Dilip Kumar R/V- Goriyara, P.s- Karja, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

1 16-12-2022 Heard learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State through video conferencing in view of the Covid-19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is in judicial custody in connection with Karja P.S. Case No. 187 of 2022 for the offences under Sections 8/20(b)(ii)(c) of the NDPS Act.

As per the FIR, the allegation is that the police upon information raided the house of the accused, Dilip Kumar and apprehended both, Dilip Kumar and his wife, the petitioner herein and upon search of the house, 2 kg, 280 grams 'ganja' was found, seizure list prepared, FIR was lodged and they were taken into judicial custody.

Learned counsel for the petitioner submits that the



recovered/seized quantity is much below the commercial quantity as envisaged in NDPS Act, 1985. Further, the lady as housewife had nothing to do with the alleged recovery by the police and simply because she belonged to that family, she was picked up and is in custody since 18.7.2022 (as stated in para-13 of the bail application).

Learned APP has opposed the prayer of bail.

Taking into account the fact that the recovery is from the house for which Dilip Kumar has already been made accused, the petitioner being his wife, a lady, is in custody since 18.7.2022, the recovered quantity is below the commercial quantity, she has no criminal antecedent, this Court is inclined to grant her privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Muzaffarpur, in connection with Karja P.S. Case No. 187 of 2022, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise



or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan/
Ajay-

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