

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56295 of 2022**

Arising Out of PS. Case No.-79 Year-2022 Thana- SIKRAUL District- Buxar

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Lal Muni Devi W/o Bihari Sah R/V- Barka Gaon, P.S.- Sikraul Distt- Buxar.  
Present Address- Mohalla- Chhotki Sarimpul, P.S.- Buxar(Industrial Area)  
Distt- Buxar.

... .. Petitioner/s

Versus

1. The Union of India NDPS Act Bihar
2. The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Anil Kumar Singh, Advocate  
For the State : Mr. K.N.Singh (A.D.S.G)

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      13-12-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Sikroul  
P.S. Case No.79 of 2022 registered for the offence under  
Sections 20 and 22 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 30.07.2022.

The allegation against the petitioner is to have in  
possession of 1kg of contraband/narcotics that is *ganja*.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged *ganja* appears to be smaller quantity as even any weight of plastic bag will be taken into consideration, it will be below 1 kg, for the reason that the weight of the narcotics as per seizure list was exactly 1 kg including the weight of the plastic bag. It is submitted the compliance of Section 50 of the NDPS Act was not made in the present case, as regard to search upon the person, which is otherwise a mandatory provision under the law. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as recovery of *ganja* is 1kg, inclusive of plastic bag making it less than the smaller quantity on its face, where petitioner is the lady of clean antecedent coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with



Sikroul P.S. Case No.79 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of District Judge-cum-Special Court, N.D.P.S. Act Buxar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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