

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56654 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- BAISI District- Purnia

Champa Devi Wife of Late Mohan Lal Bosak @ Mohan Lal Bashak R/V-
Chocha (Chauncha), Ward No. 6, P.S- Baisi, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-11-2022 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 Baisi P.S.
Case No. 379 of 2021 registered for the offence under Sections
8, 20(b)(ii)(B) and 25 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.07.2022.

The allegation against the petitioner is to have in
possession of 4.200 KG contraband i.e. Ganja.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of contraband i.e. Ganja was
made from the house of the petitioner, which is jointly occupied



by other family members and, as such it cannot be said that alleged Ganja was recovered from the conscious physical possession of this petitioner. It is further submitted that compliance of Section 100(4) of the Cr.P.C. was not made in the present case, which creates a doubt over the entire recovery. It is further submitted that compliance of mandatory Section 42 and 50 of the N.D.P.S. Act also was not made in this case. It is also submitted that as alleged recovered Ganja is less than commercial quantity, therefore, compliance of Section 37 of the N.D.P.S. Act is not applicable in the present case. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that recovered quantity of Ganja is less than commercial quantity i.e. about 4.200 KG.

In view of the facts and circumstances as mentioned above, as recovered quantity of Ganja is less than commercial quantity i.e. about 4.200 KG, where petitioner is a lady of clean antecedent has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent



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 Baisi P.S. Case No. 379 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 Special Judge, N.D.P.S., Act, Purnea/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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