

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62688 of 2022

Arising Out of PS. Case No.-729 Year-2022 Thana- PHULWARISHARIF District- Patna

Lalita Devi Wife of Ramji Mahto R/O Mohalla- Tamtam Parav, Noniya Tola,
Sangat, P.S.- Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-11-2022 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 Phulwari
Sharif P.S. Case No. 729 of 2022 registered for the offence
under Sections 08, 20(b)(ii)(A), 21(b) of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.06.2022.

The allegation against the petitioner is to have in
possession of 6.12 GM of Smack and total of 450 GM of
contraband i.e. Ganja.

Learned counsel appearing on behalf of the petitioner
submitted that quantity of smack is marginal higher than smaller



quantity but less than commercial quantity, whereas the recovered ganja is less than smaller quantity for which the maximum punishment is extendable up to one (1) year. It is submitted that compliance of Section 42 and 50 of the N.D.P.S. Act was not made in this case. It is further submitted that as the quantity of narcotics appears to be 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 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 appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as contraband/narcotics i.e. smack and ganja appears to be less than commercial quantity, where petitioner is a lady coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Phulwari Sharif P.S. Case No. 729 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 learned Additional Sessions Judge-XXV,



Patna/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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