

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1564 of 2022

Arising Out of PS. Case No.-401 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Munni Devi @ Usha Devi Wife of Raj Kumar Sahani Resident of Village -
Kolhua, Paigambarpur, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-04-2022 Heard both parties.

The petitioner seeks bail in Ahiyapur P.S. Case No. 401 of 2021 corresponding to NDPS Case No. 71 of 2021, registered for the offence punishable under Sections 20,22 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 300 pouches of Smack has been recovered from house of this petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from conscious possession of this petitioner and the recovered item has not been weighed, therefore, it cannot be said that whether recovery is more than commercial quantity. Mandatory provision of search and seizure has not been followed. Petitioner claims clean antecedent and she is in custody since 22.06.2021.



Learned APP however, vehemently opposed the prayer for bail and submitted that huge quantity of narcotic substance has been recovered from possession of this petitioner.

Considering the nature of allegation and quantity of recovery, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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