

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5439 of 2023

Arising Out of PS. Case No.-719 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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ASHA DEVI W/O MITHU SAHNI, R/o- In front of Sikandarpur Stadium
gate Ambedkarnagar, Ward 12, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Chandra Ojha
For the Opposite Party/s : Mr.J.N. Thakur

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 01-05-2023 Heard the learned counsel for the petitioner as well as

the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Muzaffarpur Town P.S. Case No. 719 of 2022,
corresponding to N.D.P.S. Case No. 205 of 2022, registered for
offence punishable under Sections 8(c) and 21(b) of the
Narcotics Drugs and Psychotropic Substances Act.

As per allegation, the police raided the house of the
petitioner. Two persons became successful in fleeing away,
whereas the petitioner and co-accused Khushboo Kumari were
arrested. From the house of the petitioner, 8.344 gram of smack
was recovered.

The learned counsel for the petitioner has submitted



that the petitioner is a lady and she has no criminal antecedent of similar nature of case. As a matter of fact, she was falsely implicated in Muzaffarpur Town P.S. Case No. 305 of 2022 registered under Sections 341, 323, 504, 506, 353, 427/34 of the Indian Penal Code and when she went to complain about her false implication in that case, she was falsely implicated in the present case. He has submitted further that she is under custody since 28.08.2022 and the quantity of smack, which is alleged to be recovered, is slightly above the small quantity.

On the other hand, Mr. J. N. Thakur, the learned APP has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 719 of 2022, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make herself available as and when required by the court.
- (ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that she shall not



indulge herself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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