

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7873 of 2023

Arising Out of PS. Case No.-491 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

ANITA DEVI WIFE OF BINOD DAS R/O VILLAGE- DIWANTOK, P.S.-
GANGABRIDGE, DSTRIC- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 20, 22, 23, 24, 27 and 29 of
the N.D.P.S. Act.

As per allegation, altogether 45 kg. Of ganja has been
recovered from possession of the petitioner and other co-
accused persons.

Earlier the bail petition of the petitioner was rejected
vide order dated 21.02.2022 passed in Cr. Misc. No. 45977 of
2021. Again the petitioner approached this Hon'ble Court filing
Cr. Misc. No. 51352 of 2022, which was dismissed as
withdrawn with liberty to the petitioner to move afresh before
the learned court below. Thereafter, the petitioner has filed the



present bail petition.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that the petitioner is lady and it appears from the F.I.R. that altogether 45 kg. of ganja has been recovered from the possession of the petitioner and other co-accused persons. He further submits that the petitioner is in custody since 21.05.2021.

Vide order dated 08.02.2023, a report was called for with regard to the present stage of the trial. Report dated 10.02.2023 of the learned trial court reveals that charge has been framed against the petitioner on 26.11.2021 but till date no prosecution witness has been examined. Learned counsel for the petitioner submits that in view of the report of the learned trial court, the trial is not likely to be completed in near future and the petitioner is in custody since 21.05.2021 i.e. approximately two years.

Considering the aforesaid facts and circumstances and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is



pending in connection with Hajipur Sadar P.S. Case
No.491/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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