

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22670 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- BAISI District- Purnia

CHAMPA BEGAM W/O LATE NAEEMUDDIN Reident of village-
Khilpara, P.S.- Matarbari, District- Gomati, State- Tripura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
19.07.2022 in connection with Baisi P.S. Case No.288/2022,
dated 18.07.2022, for the offences punishable under Sections
8©, 20 (b) (ii) (B) N.D.P.S. Act.

3. According to prosecution case, altogether 2 kg ganja
has been recovered from the possession of the petitioner.

4. 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 altogether
10 kg ganja has been recovered from the possession of the co-
accused, namely, Md. Sajan Kumar and 2 kg ganja has been
recovered from the bag of the petitioner. He further submits that



the recovered contraband is less than the commercial quantity, so, there is no embaro under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.07.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is ganja but fairly submits that the recovered contraband is less than the commercial quantity.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge N.D.P.S. Act, Purnea in Special Case No.50/2022/CIS No.50/2022, arising out of Baisi P.S. Case No.288/2022, 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 his absence on two consecutive dates without sufficient reason, his 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 his 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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