

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26390 of 2023

Arising Out of PS. Case No.-820 Year-2022 Thana- PHULWARISHARIF District- Patna

Vina Kumari Wife of Mangla Mandal, resident of Village - Naya Nagar Ran
Diyara, P.S.- Kahlgawan, District - Bhagalpur, At present C/o Mirmal Kumar
Sant Prasary Kajipura, B.N. College, P.S.- Rupaspur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Masoom Alam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Phulwari Sharif P.S. Case No.820 of 2022, arising out of Special (NDPS) Case No.111(A) of 2022, for the offence u/s 8/20(b)(ii)(A) of NDPS Act.

The informant along with his police force is alleged to be on patrolling duty on 12.07.2022, at about 18:30 hours, at the main gate of Phulwari Block and on suspicion, co-accused persons, namely, Aman Raj and Prakash Kumar were apprehended after chase, while they were trying to



flee away on a scooty motorcycle. It is further alleged that on search being made, 52.3 grams *ganja* was recovered from the pocket of the trousers of the said two co-accused persons. It is also alleged that on interrogation, the said accused persons had disclosed that the scooty belongs to the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case and she is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither *ganja* in question has been recovered from the conscious possession of the petitioner nor the petitioner was present at the spot, hence she is not having any complicity in the matter. In any view of the matter, it is submitted that the quantity of *ganja* recovered from the co-accused persons is much less than the small quantity described in the schedule notified under the provisions of the NDPS Act, 1985.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that *ganja* in question has not been recovered from the conscious possession of the petitioner and the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of her arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Spl. Judge, Patna in connection with Phulwari Sharif P.S. Case No.820 of 2022, arising out of Special (NDPS) Case No.111(A) of 2022, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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