

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23528 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- JADOPUR District- Gopalganj

RAMBHA DEVI @ RUMA DEVI W/o Munna Sah Resident of Village -
Jadopur, Shukul, P.S.- Yadavpur, Distt. - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 8, 20(b)(ii) (C) of the NDPS Act.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman.

The informant alleges that one Bhadai Sahni was apprehended and from his hut 21.227 Kgs. of Ganja was recovered kept in a yellow bag. Further he disclosed that the petitioner along with other named accused persons fled away.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot, as such, nothing was recovered from her conscious possession. It is further submitted that the name of the petitioner transpired in the



confessional statement of co-accused in police custody which does not have any evidentiary value in the eye of law. It is further submitted at the cost of repetition that petitioner is a person with clean antecedent. Learned counsel for the petitioner relying on the judgment in the case of **Tofan Singh vs The State of Tamil Nadu** reported in **(2021) 4 SCC 1** submits that confessional statement before the police does not have any evidentiary value in the eye of law in the cases of NDPS also. Learned counsel next submits that petitioner will not abscond rather will cooperate in the investigation and will present herself as and when required by the investigating officer of the case for eliciting the truth.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tr. No. 39 of



2021 arising out of Yadavpur P.S. Case No. 111 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, in the event, if any application is filed by the investigating officer of the case that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting herself before the investigating officer then in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

Let a copy of this order be communicated to the concerned police station through the learned trial court.

(Satyavrat Verma, J)

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