

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26796 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- RAMNAGAR District- West Champaran

Vidya Devi W/O Dasrath Sah R/O Village- Silwatia Badgo, P.S- Ramnagar,
Distt.- West Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 27.02.2023 in connection with Ramnagar P.S. Case No. 87 of 2023, F.I.R. dated 26.02.2023 for the offences punishable under Sections 20, 22 and 22(c) of the N.D.P.S. Act.

3. According to prosecution case, 8.455 kg of Ganja has been recovered from the petitioner.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 5.375 kg Ganja has been recovered from the possession of the petitioner and 2.310 kg of Ganja has been recovered from the shop of the petitioner which means that altogether 8.455 kg of Ganja has been recovered from the petitioner. He further submits that the



petitioner has been falsely implicated in this case only on the ground that the petitioner is the wife of the co-accused, namely, Dasrath Sah. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report also 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 and the fact that the recovered contraband is less than the commercial quantity, 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 District and Sessions Judge, Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 87



of 2023, subject to the following conditions:-

i. 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, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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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