

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35699 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- JOGBANI District- Araria

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RITA DEVI Wife of Ratan Yadav @ Navratan Yadav Resident of East of
Main Road, L.A.C. Road Ward No. 11, PS- Jogbani, District- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr.Kumar Rajdeep, Advocate Ms. Diksha Kumari, Advocate
For the Opposite Party/s :		Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-07-2023 Heard Mr. N.K. Agrawal, learned Senior Counsel for

the petitioner and the learned APP for the State.

The petitioner is in judicial custody in connection
with NDPS Case No. 25 of 2023 arising out of Jogbani P.S.
Case No. 81 of 2023 for the offence punishable under Sections
20(B)(ii)(b), 21 and 22 of N.D.P.S. Act lodged on 25.3.2023 by
the informant, Pashupati Kumar Singh.

As per the prosecution story, on information that the
petitioner is selling contraband, the place was surrounded and
on raid the following items 59 bottles of 100 ml of cough syrup,
Spasx plus capsule 552 pcs, Nitravet, 210 pcs, Nitracel 420 pcs
and also 'ganja' of 1.2.kgs. were recovered/seized. Accordingly,
the FIR.



Learned Senior Counsel submits that so far as the the recovery/seizure of 'ganja' is concerned, the same is 1.2 kgs. which is below the commercial quantity and further the cough syrup and tablets are concerned, the same has been attributed to the petitioner to implicate her in the case and being the resident of bordering area, every locals have Nepali currency along with Indian currency.

The last submission is that he is in custody since 26.3.2023 (as per para-21 of the petition).

Learned APP opposes the prayer stating that there has been recovery/seizure of 1.2 kgs. of 'ganja'.

Taking into account the fact that she is a lady, do not have criminal antecedent and is in custody since 26.3.2023 and ultimately will face the trial, this Court is inclined to extend her the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Session Judge-cum-Special Judge, NDPS, Araria, in connection with NDPS Case No. 25 of 2023 arising out of Jogbani P.S. Case No. 81 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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