

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40391 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- BARURAJ District- Muzaffarpur

Radhika Devi W/o, Paras Sah R/O Village- Andaul, Po. And Ps.Baruraj, Dist.
Muzaffarpur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Baruraj
P.S. Case No. 83 of 2023 registered for the offence under
Section 8/209(b)(ii)(B) of NDPS Act, 1985.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 20.04.2023.

5. The allegation against the petitioner is to have in
possession of contraband i.e. Ganja, total of 1.5 Kg.



6. Learned counsel appearing on behalf of the petitioner submitted that the compliance of Section 50 of NDPS Act regarding search of person not appeared to be followed in present case. It is submitted that as quantity of alleged contraband appears less than commercial which is 20 Kg in present case, therefore implication of Section 37 of NDPS Act not appears to be followed in present case. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as recovered quantity of contraband is less than commercial quantity i.e. 1.5 Kg, where petitioner is a lady of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Baruraj P.S. Case No. 83 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge,



Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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