

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39542 of 2023

Arising Out of PS. Case No.-302 Year-2023 Thana- PURNEA SADAR District- Purnia

Doli Kumari @ Sawana Praveen Wife Of Md. Munna Resident Of Village-
Kalljan Naya Tola, Ward No. 34, Ps- Sadar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
27.04.2023 in connection with Sadar P.S. Case No. 302 of 2023,
F.I.R. dated 06.04.2023 for the offences punishable under
Section 8(C) along with Section 21(b) of the N.D.P.S. Act.

3. According to prosecution case, 10.4gms of **Brown**
Sugar has been recovered from the shop of 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 from the
bare perusal of the F.I.R. and seizure list, 10.4gms of **Brown**
Sugar (Contraband) has been recovered from the grossary shop
of the petitioner and there is non-compliance of Section 42 and



50 of N.D.P.S. Act. He further submits that the recovered contraband is less than the commercial quantity, so, there is no embargo of Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.04.2023.

5. The learned Additional Public Prosecutor on the other hand on the basis of material available on record and Case Diary vehemently opposed the prayer for grant of bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is *Morphine* but fairly submits that recovered contraband is less than the commercial quantity.

6. Considering the aforesaid facts and circumstances, 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 Special Judge, N.D.P.S. Act, Purnea, in connection with Sadar P.S. Case No. 302 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 his 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)

Aditi

U		T	
---	--	---	--

