

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49135 of 2023

Arising Out of PS. Case No.-444 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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Sabita Devi @ Sabita Singh @ Sabita Singh Devi @ Savita Devi Wife Of
Amrendra Singh Resident Of Village - Ward No. 28, Hajiyapur, P.S. -
Gopalganj, Distt. - Gopalganj

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devashish Giri

For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-09-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 8(C), 21(B)
of the N.D.P.S. Act.

As per prosecution case, the petitioner and co-accused
persons were apprehended on the spot and from the house of co-
accused total 28.6 grams smack like substance, cash Rs. 3,43,560/-
and other articles were recovered.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. She has
falsely been implicated in this case due to high handedness of the
police officials. The petitioner has no concern with the alleged
recovery nor any incriminating article has been recovered from her



conscious possession rather it was recovered from the house of co-accused. She has got no criminal antecedent. It is further submitted that Section 50 of the N.D.P.S., Act has not been followed during preparation of the seizure list and charge-sheet has been submitted in absence of F.S.L. report. Similarly situated co-accused has already been granted bail by this Court vide order dated 11.08.2023 passed in Cr. Misc. No. 50603 of 2023. Moreover, the petitioner is languishing in judicial custody since 14.06.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody and being a lady, this court is inclined to enlarge the petitioner on bail **after framing of charge, if charge is not framed**. The above named petitioner is directed to be released on bail in connection with Gopalganj Town P.S. Case No. 444 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gopalganj.

(Sunil Kumar Panwar, J)

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