

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52130 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- JAYNAGAR District- Madhubani

Sunaina Devi W/O Dukhi Yadav Resident Of Village- Kataiya Koriya Tol
Ward No.-12, P.S- Basopatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Jaynagar P.S. Case No. 271 of 2023 for the offence punishable under Sections 08, 21, 22, of N.D.P.S. Act lodged on 18.6.2023 by the informant, Parmindar Jeet.

As per the prosecution story, the SSB 18th Battalion was present at Indo Nepal Boarder found a lady in a suspicious condition and recovered 6 kgs of 'Ganja' from her possession.

Learned counsel for the petitioner submits that the no such recovery was made. She was strolling there and someone left the 'Ganja' which was attributed to her for which she has suffered by being in custody since 19.6.2023 (para-14 of the petition).

Learned APP opposes the prayer but concedes that the



recovered 'Ganja' is below the commercial quantity.

Taking into account the fact that she is lady, is in custody since 19.6.2023 and do not have criminal antecedent, 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 District Judge, Madhubani, in connection with Jaynagar P.S. Case No. 271 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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