

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57414 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- KANKARBAG District- Patna

Radha @ Radha Devi @ Radha Kumari W/O Ravi Kumar , W/O Krishna
Paswan R/O Mohalla- New P.C. Colony, Ps. Kankarbagh, Dist. Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Kankarbagh P.S. Case No. 110 of 2023 registered for the offences punishable under Sections 8(C), 21(b), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act. She has got no criminal antecedent.

3. As per the prosecution story, on 02.02.2023 at about 02:00 P.M. the informant got a secret information of some smack being delivered by a lady near Sai Hospital More, Kankarbagh. When the informant reached at the said place along with other police personnel, the said lady tried to escape but with the help of female police offices, she was caught. She disclosed her name as Rupa Devi. From her possession, 115 gm of only smack, one keypad phone and one Redmi Smart Phone



were recovered. She further disclosed that she had to deliver the said smack to one Radha Rani (this petitioner).

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that this petitioner has been implicated in this case on the basis of the statement of said Rupa Devi. It is further submitted that the alleged quantity which was recovered from the co-accused is less than the commercial quantity.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the alleged article which is said to be smack was recovered from possession of co-accused Rupa Devi, this petitioner was not seen present with her, however, she has been implicated in this case on the basis of the statement of said Rupa Devi that the Puria was to be delivered to this petitioner and one another lady, the submission being that it is a case of false implication on the basis of alleged statement of co-accused in police custody, she has otherwise no criminal antecedent and further submission that the alleged quantity which was recovered from the co-accused is less than the commercial quantity, this Court directs that in case of her arrest



or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Kankarbagh P.S. Case No. 110 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-cum-District and Sessions Judge, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 her 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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