

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66305 of 2022**

Arising Out of PS. Case No.-293 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

PARWATI DEVI Wife of Late Chedan Sah @ Bharat Sah Resident of  
Mohalla- Moghalpura Madarpur, P.S.- Laheriasarai, District- Darbhanga  
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raghwendra Sharan Pandey  
For the Opposite Party/s : Mr.Jai Narain Thakur

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      24-07-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since  
01.07.2022 in connection with Laheriasarai P.S. Case No. 293  
of 2022, F.I.R. dated 30.06.2022 registered for the offence  
punishable under Sections 20(b)(ii)A,22(a)of N.D.P.S. Act and  
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that on the  
search of her Gumti shop in pursuance to confidential  
information total 290 Grams Ganja, several sachets containing  
white powder and 320 capsules of PYEEVON SPAS PLUS was  
recovered therefrom.

4. Learned counsel appearing for the petitioner  
submits that the petitioner has clean antecedent. She has falsely  
been implicated in the present case. He further submits that



from bare perusal of the FIR as well as the seizure list that altogether 290 Grams Ganja, several sachets containing white powder and 320 capsules of PYEEVON SPAS PLUS was recovered from the Gumti of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 50 of the NDPS Act. Learned counsel for the petitioner submits that from bare perusal of the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioner and all the incriminating article (contraband) has been recovered is less than the commercial quantity so there is no embargo under Section 37 of the N.D.P.S.Act to enlarge the petitioner on bail and it appears from the FSL report that without FSL report the police had filed the chargesheet against the petitioner and the FSL report dated 14.07.2023 but the chargesheet submitted prior to the FSL report and the petitioner is in custody since 01.07.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is Ganja.

6. Considering the aforesaid facts, 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 learned District and Sessions Judge, Darbhanga in connection with Laheriasarai P.S. Case No. 293 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her 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)**

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