

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73581 of 2023

Arising Out of PS. Case No.-336 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

MAMITA DEVI @ MAMTA DEVI Wife of Endal Pandey @ Indal Pandey
RESIDENT OF VILLAGE VIKRAMPUR, BANIYA CHHAPR, RAMPUR
DAUD P.S. KUCHAIKOTE, DISTT - GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kuchaikote P.S. Case No. 336 of 2023 registered for the offences
punishable under Sections 8(c), 20(b)(2)(c) of N.D.P.S. Act.

3. As per prosecution case, there is alleged recovery
of 250 gram Ganja from the bag of the petitioner. It is further
alleged that petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner being a lady, having no criminal antecedent. He further
submits that alleged recovery of ganja is 250 gram which is less
than small quantity as 1000 gram ganja comes under the purview
of small quantity, as per N.D.P.S. notification. Petitioner is quite
innocent and has committed no offence as alleged in F.I.R. and he



has falsely been implicated in the present case. There is no compliance of Section 100 of Cr.P.C. as seizure list witnesses are police personnel. Petitioner is custody since 03.07.2023. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Babu Nand Yadav @ Vavunand Yadav and Sharda Pandey have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.63939 of 2023 and 60665 of 2023 respectively and the case of present petitioner stands on better footing as the alleged recovery from the petitioner is comparatively less than aforesaid co-accused persons.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner being a lady having clean antecedent, co-accused persons have already been granted bail by the co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Sessions Judge, Gopalganj in connection with Kuchaikote P.S.
Case No. 336 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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