

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77164 of 2023

Arising Out of PS. Case No.-375 Year-2023 Thana- SAKRA District- Muzaffarpur

ANJU KUMARI @ ANJU DEVI W/O LATE VIJAY RAI RESIDENT OF
VILLAGE- MAHAMMADPUR BUJURG, P.S.- SAKRA, DISTRICT-
MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sakra P.S. Case No. 375 of 2023 registered for the offences
punishable under Section 21 (b) of the N.D.P.S. Act.

3. As per prosecution case, 17 gram smack
recovered from the possession of the petitioner and petitioner
apprehended on the spot alongwith co-accused Ravi Kumar.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 07.08.2023 and petitioner being a
lady having no criminal antecedent. He further submits that
alleged recovery of smack is 17 gm which falls under the
purview of intermediary quantity as small quantity of smack is 5



gm and commercial quantity smack is 250 gm, as per N.D.P.S notification. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that raid was conducted on secret information but there is clear cut violation of Section 42 of the N.D.P.S. Act. He further submits that co-accused, Ravi Kumar, has already been granted bail vide Cr. Misc. No. 75033 of 2023 by a co-ordinate Bench of this Court and the case of present petitioner stands on similar footing. He further submits that petitioner is quite innocent and she has falsely been implicated in the case.

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

6. Considering the facts and circumstances of the case, period of custody, petitioner being a lady, keeping in view clean antecedent of the petitioner, co-accused has already been granted bail, 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 Special Judge Cum Sessions Judge, Muzaffarpur in



connection with Sakra P.S. Case No. 375 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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