

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5514 of 2024

Arising Out of PS. Case No.-707 Year-2023 Thana- BUDDHACOLONY District- Patna

Roma Kumari Wife Of Deepak Kumar Resident Of Village- Lodipur, China
Kothi, Behind Of Old Factory, Ps- Buddha, Colony, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 8© and 21(b) of
NDPS Act.

As per allegation in the FIR, on getting secret information
police party raided the house of the petitioner and on search, 62
sachet of Smack (41 grams) were recovered from her bedroom
and she was arrested on spot.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. She has been falsely implicated in this Case. No local
person was made as a witness of the seizure list rather seizure
list witnesses are police personnel. There is complete violation



of provision of Section 50 of the NDPS Act. There is no FSL report to confirm that the seized article is contraband material. The recovered article comes below the commercial quantity. Petitioner has got no criminal antecedent and languishing in judicial custody since 4.11.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge, Patna in connection with Serial No. 238 of 2023 arising out of Buddha Colony P.S. Case No. 707 of 2023.

(Sunil Kumar Panwar, J)

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