

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4034 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- KASBA District- Purnia

SHABNAM @ SABNAM WIFE OF ABUBASAR RESIDENT OF
MOHALLA - MIRJA BHAG, WARD NO.3, P.S. - ARARIA (TOWN),
DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-04-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Supplementary Special Case No. 65 of 2023 arising out of Supplementary Kasba P.S. Case No. 207 of 2023 instituted under Sections 8(C)/21(C)/& 25 of N.D.P.S. Act lodged on 10.6.2023 by the informant, Rajeshwar Kumar.

3. As per the prosecution story, the informant alleged that on 9.6.2023, he along with police officials proceeded for vehicle checking as also illegal trading of wine. As they reached near 'Lichi Bagan' at N.H.57, saw a red car coming from Purnea, stopped it and apprehended two persons. One of them was the driver of the vehicle. Upon search of the vehicle, total 192 liters of Syrup containing codeine phosphate was recovered/seized.



4. Learned counsel for the petitioner submits that neither he was in the car nor anything recovered from her possession. The name has come in the confessional statement in which co-accuseds were named. The further submission is that similar situate Md. Zakir Rahi @ Md. Rahil Alam who was also named along with this petitioner has since been granted relief by a coordinate bench in Cr. Misc. No. 64709 of 2023 on 6.12.2023.

5. Learned APP though opposes the prayer submits that her case is similar to that of two accused who have since been granted relief.

6. Taking into account the aforesaid facts that similar situated persons have been granted relief, she is a lady, do not have criminal antecedent, this Court is inclined to extend her the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Supplementary Special Case No. 65 of 2023 arising out of Supplementary Kasba P.S. Case No. 207 of 2023 to the satisfaction of learned Sessions



Judge, Purnea subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make herself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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