

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13367 of 2024

Arising Out of PS. Case No.-518 Year-2023 Thana- PARBATTa District- Khagaria

Asha Devi Wife of Parmanand Mahto Resident of Village- Bind Toli, P.S.-
Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Singh, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Special Case
(N.D.P.S.) Case No. 34 of 2023 arising out of Parbatta P.S.
case No. 518 of 2023 instituted for the offences under
Sections 20(b)(ii)B), 25 and 29 of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that on secret
information, the police searched the houses of the accused
persons total 5.752 ganja was recovered from the accused
persons.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



the present case. The petitioner that the petitioner is in custody since 12.11.2023 and has got no criminal antecedent. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has no concerned with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Co-accused have been granted bail by a Coordinate Bench of this Court vide order dated 20.02.2024 passed in Cr. Misc. No. 8439 of 2024 heard along with Cr. Misc. No. 9414 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, clean antecedent of the petitioner and the claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case (N.D.P.S.) Case No. 34 of 2023 arising out of Parbatta P.S. case No. 518 of 2023.

(Rudra Prakash Mishra, J)

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