

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36385 of 2024

Arising Out of PS. Case No.-451 Year-2022 Thana- CHAKIA District- East Champaran

1. Neha Khatoon D/O Late Jalaluddin Mansuri R/O Village Basudeopur Britt, Ward No. 08, Jhulaniya Chouk, P.S.- Sahebganj, Dist- Muzaffarpur
2. Saira Khatoon Wife Of Late Jalaluddin Mansuri R/O Village Basudeopur Britt, Ward No. 08, Jhulaniya Chouk, P.S.- Sahebganj, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India Through Ncb, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Sinha, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seeks bail in connection with N.D.P.S. Case No. 95 of 2022 (CIS No. 95 of 2022) arising out of Chakia P.S. Case No. 451 of 2022 dated 28.10.2022, instituted for the offence punishable under Sections 8, 20, 22(b), 29 of the N.D.P.S. Act and Sections 412 and 413 of the Indian Penal Code.

3. Earlier, the bail application of the petitioners was rejected *vide* order dated 17.05.2023 passed in Criminal Miscellaneous No. 19569 of 2023 with a liberty to renew their prayer for bail, if the trial is not concluded within a period of



nine months.

4. Learned counsel for the petitioners submitted that the case is still pending for framing of charge, the trial has not commenced as yet.

5. In such view of the matter, this bail application of the petitioners can be considered.

6. The prosecution case, in short, is that, accused of Chakia P.S. Case No. 213 of 2022, namely, Md. Ashique was arrested and during the course of investigation, he disclosed that both the petitioners kept stolen articles of Chakia P.S. Case No. 213 of 2022. During the course of investigation, both the petitioners were apprehended and on search, 1 kg 100 gm Ganja, 328 gm gold and 2 kg 200 gm silver were recovered from their possession.

7. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioners have no concern with the seized articles. It is further stated that alleged Ganja like substance, which is said to have recovered, comes to the tune of 1 kg 100 gm which is a little more from small quantity and the same has been alleged only to make out the case as non-bailable. It is further submitted that petitioners happens to be the



sister and mother of the Md. Ashik Mansoori, who is the main culprit in this case due to which petitioners have been falsely implicated in this case. Lastly, it has been submitted that the petitioners are in custody since 29.10.2022 and they have one criminal case pending against them and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Judge Court No. II, under NDPS Act, East Champaran, Motihari, in N.D.P.S. Case No. 95 of 2022 (CIS No. 95 of 2022) arising out of Chakia P.S. Case No. 451 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on thier absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. One of the bailors will be their own blood relation,



preferably father, mother, brother, sister and or their wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

sankalp/-

U		T	
---	--	---	--

