

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40874 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- SAHPUR District- Bhojpur

=====

Anita Devi, Wife of Raju Yadav, resident of Village- Shahpur, P.S.- Shahpur,
Dist- Bhojpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

=====

Appearance :

For the Petitioner/s	:	Ms. Priya, Advocate
		Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s :		Mr.Surendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 11-06-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned counsel appearing on behalf
- of the State.
2. The petitioner seeks bail in connection with
- Shahpur P.S. Case No. 37 of 2024 registered for the
- offence under Section 21(b) of NDPS Act 1985.
3. The accused/petitioner is named in the F.I.R.
- and is in custody since 24.01.2024.
4. The allegation against the petitioner is to
- have in possessions of contraband i.e. smack, total of
- 9.5 grams, which were found in different 49 sachets



alongwith cash of Rs. 16,750/-.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner falsely implicated with present case. It is submitted that compliance of Section 50 of NDPS Act not appears to be followed in present case. It is submitted that as recovered quantity of contraband/heroin is less than commercial quantity, therefore, rigorous provisions of Section 37 of the NDPS Act not appears to be applicable in present case. It is further pointed out that charge-sheet submitted in this case without obtaining FSL report, and moreover, petitioner is a lady of clean antecedent.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of contraband/heroin is less than commercial quantity, where petitioner is a lady of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.01.2024, accordingly, petitioner above



named, is directed to be released on bail in connection with Shahpur P.S. Case No. 37 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions that:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date after framing of charge before the



Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

veena/suruchi-

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

