

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42988 of 2024

Arising Out of PS. Case No.-282 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Neha Singh D/o- Pradeep Singh Village- Kabirpur Ps- Manjhi Dist- Saran
Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra Ojha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with N.D.P.S. Case No. 98 of 2022, registered for the offences under Sections 8, 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act.

3. As per the prosecution case, on secret information, the petitioner was apprehended carrying *ganja* in her bag and recovery of 7.800 kg of ganja was made from the trolley bag of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is a poor lady and this is the second attempt of the petitioner to seek bail from this Court as earlier her prayer for bail was rejected *vide* order dated

18.11.2022 passed in Cr. Misc. No. 44297 of 2022. The petitioner is in custody since 12.4.2022 and till date only two witnesses have been examined. There is no likelihood of early completion of trial. The seized contraband is less than the commercial quantity though it is more than the small quantity. The learned counsel further submits that there is complete violation of the provisions of N.D.P.S. Act. There is no independent witness to the search and seizure. The petitioner is having clean antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that petitioner was caught red handed with more than small quantity of *ganja* and there is no new fact for reconsideration of the prayer for bail.

6. Perused the records.

7. A report has been received from the learned trial court wherein the learned trial court has submitted that case before it is pending at the stage of evidence of prosecution. After charges has been framed on 16.07.2022, out of seven witnesses named in charge sheet, only two witnesses have been examined.

8. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the

period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Court-1 (N.D.P.S.) Muzaffarpur, in connection with N.D.P.S. Case No. 98 of 2022, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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