

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53341 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- BALIA BELON District- Katihar

Ahilya Devi @ Ahilaya Devi, Wife of Kundan Mahto, R/O Purani Semapur,
Bind Toli, P.S.- Barari, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Balia Belon P.S. Case No. 47 of 2024 registered for the offences punishable under Sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act').

3. In course of vehicle checking, when the police intercepted a Tempo, the persons, who were sitting in the said Tempo tried to flee away, however, they were apprehended by the police party. On search, total 3.370 Kg Ganja like substance was recovered from the possession of the petitioner. Certain other incriminating material, including Ganja like substance, has



also been recovered from the possession of other accused persons.

4. Learned Advocate for the petitioner contended that the alleged recovered Ganja like substance is below the commercial quantity and the petitioner is a lady has been been incarcerated since 13.04.2024. It is next contended that prior to the present case, the petitioner has never been involved in any of the criminal offence in relation to the NDPS Act. The investigation of the crime is complete and the charge-sheet has been submitted. It is lastly contended that the recovery made from all the accused persons, even if accumulated i.e. below the commercial quantity and, as such, rigors provided under Section 37 of the NDPS Act is also not applicable.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that all the accused persons by hatching a conspiracy were carrying less quantity of ganja in order to avoid stringent punishment under the NDPS Act.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovered Ganja is of intermediary quantity and the petitioner is a lady, having fair antecedent, incarcerated for over a period of



three months; apart from infirmities in search and seizure, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge (N.D.P.S.), Katihar in connection with Balia Belon P.S. Case No. 47 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.
- (iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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