

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62369 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- BARDAHA District- Araria

Rekha Devi Wife of Chandeshwar Singh Resident of village- Tira Khardaha,
Tigapur, Ward no. 1, P.S.- Sikti, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agarwal, Sr. Advocate
	:	Mr.Bidhu Ranjan, Advocate
	:	Ms.Diksha Kumari, Advocate
For the Opposite Party/s :	:	Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-10-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Bardaha PS case no. 29 of 2024, disclosing offences punishable under Sections 8, 20(b)(ii)(c) of N.D.P.S. Act.
3. The prosecution story, as per the First Information Report, is that on 10.04.2024 in the night, during patrolling, a motorcycle was intercepted which was coming from the side of Kursa Kanta and upon seeing the police party, the rider tried to escape but has become unbalanced and fell down but he succeeded in fleeing away. A bag was tied on the motorcycle and upon search, 17.5 kg. of ganja was recovered. The



registration no. of the motorcycle is BR 38AE-5101.

4. Mr. N.K. Agarwal, learned Counsel for the petitioner submits that petitioner is a lady and has been made accused only because she happens to be the registered owner of the motorcycle. Learned counsel further submits that at the time of occurrence, motorcycle was being driven by her son and petitioner was not having any knowledge that her son had kept 17.5 kg of ganja upon it. He next submits that the petitioner is having no criminal antecedent and there is no likelihood of her committing similar offence in future.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is only the registered owner of the motorcycle in question and this Court has reason to believe that she was not driving the motorcycle as is mentioned in the F.I.R. and quantity of ganja recovered from the motorcycle is less than the commercial quantity, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of her arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Araria in connection with Bardaha PS case no. 29 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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