

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83270 of 2023

Arising Out of PS. Case No.-580 Year-2023 Thana- KANTI District- Muzaffarpur

Rekha Devi W/O Late Subodh Patel R/O Mohalla - Purani Bzar, Ward No. 40, Shukla Road, P.S. - Town, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Adv.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 08-05-2024 Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Kanti P.S. Case No. 580 of 2023 instituted for the offences under Sections 8/17(B)/18(B) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered total 70 gms. of *Afeem* kept in two plastic bags from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against her and has falsely been implicated in the present case. He submits that nothing incriminating has been



recovered from the physical/conscious possession of the petitioner. He further submits that without there being F.S.L. report, the petitioner has been falsely implicated in the present case. The quantity of *Afeem* recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 31.07.2023 and the charge-sheet after investigation has been submitted in this case.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner is serious in nature and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with
two sureties of the like amount each to the satisfaction of
Court below/concerned Court in connection with Kanti P.S.
Case No. 580 of 2023.

(Rudra Prakash Mishra, J)

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