

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3156 of 2018**

Arising Out of PS. Case No.-103 Year-2015 Thana- PALANWA District- East Champaran

Babita Devi, W/o Late Prakash Patel, R/o Village- Laxmipur, P.O.- Raxaul,  
P.S.- Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Prasist Zimik S/o Zomal Zimik, R/o Village- Tusaum C.B., P.S.- Josami,  
District- Urbaru Manipur, at present posted as Coy Commander, G.-Coy 13th  
Bn. SSB, Bhelahi, East Champaran.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar No.III  
For the Opposite Party/s : Mr. Jitendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

5      19-09-2018                      Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 20(b),22,23 and 24 of the NDPS Act.

The prosecution case is that the Sub-Inspector of 13 Battalion, SSB.G. Company, Bhelahi, received information that a lady is carrying narcotic substance from Nepal via Bhelahi to Auto stand Raxaul. When the lady was intercepted, she disclosed her name as Babita Devi, (the petitioner) and from her possession 4 kilogram 'charas' like substance was recovered, leading to registration of the F.I.R.

Learned counsel for the petitioner submits that prayer of



the petitioner for bail is being renewed on the ground that the petitioner is languishing in custody since 14.11.2015, the recovery is from the auto-rickshaw and not from the possession of the petitioner and the seizure list does not bear the signature of independent witnesses.

Considering the commercial quantity of recovery and the specific accusation under Section 24 of the NDPS Act which prescribes punishment for external dealings in narcotic drugs and psychotropic substances in contravention of Section 12, which is within the ambit of restrictions imposed under Section 37 of the NDPS Act, the prayer for bail of the petitioner was rejected.

Learned APP submits that recovery is of commercial quantity.

On merits, this Court finds no ground to revise the earlier order. Accordingly the prayer of the petitioner for bail is rejected.

The report of the Superintendent of Police, East Champaran dated 14.09.2018 reflects that all the eight charge-sheet witnesses have already been examined.

It is expected from the learned 3<sup>rd</sup> Additional Sessions Judge-cum- Special Judge, Motihar, East Champaran to



conclude the trial of NDPS Case No. 62 of 2015, arising out of Palanwa (Bhelahi O.P.) P.S. Case No. 103 of 2015 within a period of four months.

It goes without saying that since there is nothing on record to suggest that the FSL report has not been received, as a precautionary measure, it is again reiterated that the learned Trial Court will get the FSL report from the Director, Forensic Science Laboratory before conclusion of trial, if the same has not been received as yet.

**(Dinesh Kumar Singh, J)**

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