

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17520 of 2020**

Nurjahan Khatoon wife of Sabdullah Dewan, R/o village- Jhakhiya, P.S.-
Turkauliya, (Banjariya), District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 24-07-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Turkauliya (Banjariya) P.S. Case No. 35
of 2011 registered for the offences punishable under Sections
20, 22, 23 of the Narcotic Drugs and Psychotropic Substances
Act.

Learned counsel for the petitioner submits that as per
the prosecution story on information received by the patrolling
party, the informant who is officer-in-charge of the
Turkauliya /Banjariya Police Station conducted a raid in the
house of one Abdullah Dewan and in the house of Sabdullah
and from both the houses the raiding party seized a significant
quantity of Ganja kept in some packets. From the house of



Sabdullah whose wife is this petitioner, 10kg Ganja has been recovered kept in two packets. This petitioner was present in course of raid and she disclosed to the police party that her husband is living in Kashmir and the Ganja was kept in her house by co-accused Khalil Dewan who is also a co-villager of the petitioner.

Learned counsel submits that it would appear from the seizure list that the seizure was made in presence of the petitioner but she was not arrested by the police party at that time but later on she has been made accused in the First Information Report.

Learned APP for the State submits that the raid was conducted in the year 2011. Petitioner is named in the First Information Report. According to her own statement the Ganja was kept in her house and the same was seized by the police in her presence. At the relevant time her husband was not residing there as claimed by the petitioner, therefore, the complicity of the petitioner cannot be ruled out and further that the petitioner has approached this Court for grant of pre-arrest bail after about 9 years even though she is named in the FIR. Under these circumstances, learned APP submits that the petitioner does not deserve the privilege of anticipatory bail.



Having regard to the facts and circumstances of the case considering that 10kg Ganja has been recovered from the house of the petitioner while her husband was not living in the said house according to her own statement, and she has moved this Court after 9 years of the seizure even though she was named in the First Information Report, considering the nature of the offence and the materials present on the record as also the conduct of the petitioner in moving this Court after nine years which has definitely caused delay in conclusion of the trial, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

This application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

