

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25329 of 2020**

Arising Out of PS. Case No.-8 Year-2020 Thana- SAMSTIPUR RAIL P.S District-  
Samastipur

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SUNITA DEVI, (F), age 37 years, W/O Mukhlal Gosai, Resident of Village-  
Rupahi Tar (Rupahi Tand), P.S.-Bhitaha O.P (Thakaraha), District-West  
Champanan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr.Vijay Kr Singh No. 1, Advocate.  
For the Opposite Party : Mr. Parmeshwar Mehta, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      10-11-2020                      Due to COVID-19 Pandemic, the matter is being  
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For  
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to  
remove the defects, as pointed out by the office, within a period  
of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in a case for the offence  
registered under Section 20 of the N.D.P.S. Act.

The prosecution story, in brief, is that on getting such  
information about carrying substance like *Ganja*, the Railway



Police entered into the particular *Coach* and found one woman and one man travelling in a Train from Tata to Muzaffarpur and on search, it is alleged that 2.148 kgs., *Ganja* is recovered from the bag of Sunita Devi (petitioner) and 23.297 kgs., *Ganja* is recovered from the *Attachie* of co-accused Ranjan Prazapati.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 13.01.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is a lady. The petitioner has falsely been implicated in the present case. Total 25.445 kgs., *Ganja* is said to have been recovered. Out of which, 2.148 kgs., *Ganja* is said to have been recovered from the bag of the petitioner and remaining 23.297 kgs., *Ganja* is said to have been recovered from the *Attachie* of co-accused, namely, Ranjan Prajapati. The recovered *Ganja* from possession of the petitioner is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. Commercial quantity of *Ganja* is said to have been recovered from possession of co-accused Ranjan Prajapati. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to 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 the learned Sessions Judge-cum-Special Judge, Samastipur, in connection with Samastipur Rail P.S. Case No. 08/2020.

**(Sudhir Singh, J)**

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