

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29523 of 2022**

Arising Out of PS. Case No.-129 Year-2021 Thana- ARA RAIL P.S. District- Bhojpur

SHABNAM AHMAD WIFE OF AFSAR AHMAD RESIDENT OF
VILLAGE- HADOWARA , P.S- BARGARIA, DIST- SIWAN, AT PRESENT
FLAT NO 23 NEAR DAYAL HOSPITAL, CHACHA CHOWK ROAD, P.S-
SARAN, DIST- FARIDABAD, HARYANA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

For the Opposite Party/s : Mr.Suresh Pd. Singh, APP

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

2 22-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in NDPS Case no. 24/2022
arising out of Rail P.S. Case no. 129/2021 registered for the offences
punishable under sections 21(b) and 29 of the NDPS Act.

As per allegation, police got information that the
petitioner and her husband were travelling in train with contraband
and on the said information, police raided coach S-9 of Sharamjivi
Express and petitioner's name was identified with the help of e-ticket
and from the possession of this petitioner and her husband, a trolley
bag was recovered which was opened in presence of witnesses in
which two packets containing alleged contraband total 210 gram



narcotic material suspected to be heroin was recovered.

The main submissions advanced by Sri Ravindra Kumar, the learned counsel for the petitioner are that the petitioner is a woman and has been languishing in jail since 30.12.2021, as per prosecution two seizure lists were prepared which are contradictory to each other and alleged contraband was not recovered from conscious possession of the petitioner and the same was planted by brother of the petitioner with whom she has land dispute. Further submission is that seized narcotic material comes under less than commercial quantity and total weight of alleged contraband which was weighed before the Judicial Magistrate was found 188 gram while as per FIR, total weight of narcotic material was 210 gram and said contradiction makes the prosecution case to be highly improbable. Further submission is that police have submitted charge sheet against the petitioner without obtaining FSL report with regard to seized contraband.

Sri Suresh Pd. Singh, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides, perused the FIR and seizure list attached to the FIR. As per allegation narcotic material suspected to be heroin being more than small quantity was recovered from a trolley bag which was in conscious possession of this petitioner and her husband and said recovery was made from a coach of Sharmjivi express in which petitioner and her husband were travelling.



Considering the said recovery of contraband, this Court is not inclined to give privilege of bail to the petitioner and accordingly her prayer for bail stands rejected.

Trial court is directed to expedite the trial of the petitioner and conclude the same within nine months from today. If trial of the petitioner is not concluded within the stipulated period then the petitioner may renew her prayer for bail. Petitioner is also given liberty to renew her prayer for bail after examination of witnesses of seizure list.

(Shailendra Singh, J)

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