

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30039 of 2022**

Arising Out of PS. Case No.-167 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Priyanka Sawaroop @ Priyanka Swaroop Wife Of Jitendra Kumar Mahto
R/O- Village- Mohalla- Sadpura Milky Tola P.S.- Kazimahamadpur District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 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
learned APP for the State.

Petitioner seeks regular bail in connection with Sadar
P.S. Case No. 167 of 2022 registered for the offence under
Section 21(b) of the NDPS Act.

As per allegation twenty five small packets containing
a total of 9.26 grams narcotic material suspected to be Smack
like material were recovered from the possession of this
petitioner and from the possession of co-accused persons Smack
like material kept in different packets were also recovered.



The main submissions advanced by learned counsel Mr. Bimlesh Kumar Pandey appearing for the petitioner are that the petitioner is a woman, having clean antecedent and from her possession only 9.26 grams of narcotic material suspected to be Smack is alleged to have been recovered and the said quantity is lesser than commercial quantity as prescribed under NDPS Act in respect of heroin (diamorphine) narcotic material which is also known as Smack and the petitioner has been languishing in jail since 29.03.2022 and co-accused Rajwati Devi from whose possession 5.6 grams of same suspected narcotic material was allegedly recovered which was also more than small quantity, has been granted bail by the trial Court concerned. Further submission is that while making search on this petitioner the mandatory provisions of Section 50 of NDPS Act were not followed by the police and without obtaining FSL report the petitioner has been chargesheeted.

Learned APP Mr. Madhura Nand Jha appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the seizure list attached to the FIR. The petitioner is a woman and from her possession 9.26 grams narcotic material suspected to be Smack is alleged to have been recovered and the said



quantity of alleged narcotic material comes under the purview of lesser than the commercial quantity and the petitioner has a clean antecedent. Considering the said quantity of the alleged narcotic material as well as stage of petitioner’s case, in the opinion of this Court a lenient approach can be taken in respect of petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Sadar P.S. Case No. 167 of 2022.

(Shailendra Singh, J.)

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