

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44297 of 2022

Arising Out of PS. Case No.-282 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Neha Singh @ Neha Kumari, D/o Pradeep Singh, R/o Village - Kabirpur, P.S.
Manjhi, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Ahiyapur P.S. Case No. 282 of 2022 registered
for the alleged offences under Sections 8, 20(b)(ii) (B) of the
N.D.P.S. Act.

As per prosecution case, the police received secret
informant about a lady carrying *Ganja* in her bag. A raid was
conducted and the petitioner was apprehended carrying a
maroon colour trolley bag. From the said bag 7.800 kg. of
Ganja was recovered.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Charge-sheet has been submitted in this case but the prosecution has deliberately not made the witnesses of seizure list as the witnesses in the witnesses' column of the charge-sheet. All the witnesses are official witnesses and there is no independent witness or superior officials to prove the alleged search and seizure, hence the whole prosecution case is falsified. There is no F.S.L. report on record, so it cannot be said that this contraband is *Ganja*. The petitioner has no concern with the seized contraband and the said contraband was found in an abandoned bag and the petitioner was made scapegoat in this case. Due to non-compliance of the statutory and mandatory requirements of the N.D.P.S. Act and absence of independent witnesses, the prosecution case becomes highly doubtful. Allegedly, the recovered contraband is less than the commercial quantity as notified by the Government of India. The petitioner is a poor lady and she is in custody since 12.04.2022.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation, which is quite grave and serious, I am not inclined to enlarge the petitioner on bail. Hence, her prayer for



bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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