

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42881 of 2023**

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. - Barharia, Distt. - Siwan, A/P Flat No. 23, Near Dayal  
Hospital, Chacha Chowk Road, P.S. - Saran, Distt. - Faridabad, Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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

2      19-07-2023                      1. Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner seeks regular bail in connection with  
N.D.P.S. Case No. 24 of 2022 arising out of Rail P.S. Case No.  
129 of 2021, dated 30.12.2021 registered for the offences  
punishable under Sections 21(b) and 29 of NDPS Act.

3. This is second attempt of the petitioner to get the  
relief of regular bail after her earlier prayer was rejected by this  
Bench vide order dated 22.08.2022 passed in Cr. Misc. No.  
29523 of 2022 preferred by this petitioner and she has been  
languishing in jail since 30.12.2021.

4. Learned counsel Mr. Ravindra Kumar, appearing  
for the petitioner submits that the petitioner is a lady and the



alleged suspected narcotic contraband was not recovered from her conscious possession and the same was recovered from a trolley bag which was not found in the conscious possession of the petitioner and her husband and they were apprehended merely on the basis of suspicion and the chargesheet was submitted without getting the FSL report of the alleged contraband. It is further submitted that the seizure list witnesses are official persons who are to be examined in the trial of the petitioner and in the trial of the petitioner, three witnesses out of eight prosecution witnesses have been examined till date which shows the slowness of the prosecution in producing and examining the witnesses and the alleged narcotic contraband falls below the category of commercial quantity.

5. Learned APP Mr. Ganesh Prasad Singh appearing for the State opposes the prayer for bail.

6. Heard both the sides. Though, there is serious allegation against this petitioner but considering the facts that she is a lady and has been languishing in jail since 30.12.2021 and out of eight chargesheeted witnesses of the prosecution, only three witnesses have been examined till date as per above submission and the petitioner has fair and clean antecedent and the alleged suspected narcotic contraband falls below the



category of commercial quantity, in my opinion, in the present circumstances the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with N.D.P.S. Case No. 24 of 2022 arising out of Rail P.S. Case No. 129 of 2021.

(Shailendra Singh, J.)

Maynaz/-

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