

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43593 of 2023

Arising Out of PS. Case No.-461 Year-2022 Thana- JAKKANPUR District- Patna

Shakila Khatoon, Female, aged about 45 years, wife of Md. Shazad, resident of Madarsa Sultaniya, Sabjibagh, Arya Kumar Road, P.S. - Pirbahore, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Spl. (NDPS) Case No.29A of 2023 [Suppl. Record of Spl. (NDPS) Case No.163 of 2022] arising out of Jakkanpur PS Case No. 461 of 2022 dated 02.09.2022, instituted under Sections 20(b) (ii)(A) (B) of the NDPS Act.

3. The prosecution case, in short, is that on 02.09.2022, the Officer-in-charge of Rajiv Nagar PS came at Jakkanpur PS along with police personnel and the non-FIR accused Md. Zubair @ Aryan of Rajiv Nagar PS Case No.459 of 2022 and sought help in investigation and requested to raid the house of Md. Zubair where he lives with his mother, brother and



sister. Accordingly, the police team raided the house of the petitioner where his brother Md. Raja was found. During search of the room of Zubair in the house from beneath the bed altogether 900 grams Ganja wrapped in fifty small paper *puriyas* kept in two plastic polythene was recovered from one bag. On inquiry about the seized Ganja, Both Md. Zubair and Md. Raja told that they along with their mother, Shakila Khatoon, used to live in the said house and they brought the Ganja from across the river Ganges and their mother used to prepare *puriyas* of Rs.50/- and Rs.100/- to sell the same. Accused Md. Raja was taken into custody while Md. Zubair was already in custody of the police in connection with another case. Accordingly, Ganja was seized and seizure list was prepared.

4. Learned counsel for the petitioner submits that there is allegation of recovery of 900 gram Ganja from the room of Md. Zubair and co-accused Md. Raja was arrested from the spot. Petitioner is the mother of Md. Zubair and Md. Raja and she does not reside at the address along with Md. Zubair and Md. Raja, rather, she used to reside with her daughter at Khajekalan, Patna city. The petitioner was not present at the spot and nothing has been recovered from her conscious possession. Only on the basis of disclosure made by the co-



accused, she has been made accused in this case. Lastly, it is submitted that the petitioner is a lady and has no criminal antecedent.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon 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/Spl. Judge, Patna, in Spl. (NDPS) Case No.29A of 2023 [Suppl. Record of Spl. (NDPS) Case No.163 of 2022] arising out of Jakkanpur PS Case No. 461 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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