

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63617 of 2023**

Arising Out of PS. Case No.-145 Year-2023 Thana- JOGBANI District- Araria

URMILA YADAV @ URMILA DEVI wife of Late Ramesh Yadav Village-  
Tilkuliya Basti W.NO-3, Ps- Jogbani Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Anil Kumar

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      06-12-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Jogbani P.S. Case No.145/2023, lodged on 07.06.2023 under  
Sections 17, 18, 21, and 22 of the Narcotic Drugs And  
Psychotropic Substances, Act, 1985.

3. As per the prosecution, the FIR has been lodged  
against four named accused persons including the petitioner  
alleging therein that 18 grams of brown sugar in 69 small  
sachets were recovered from the possession of the accused  
persons in addition to that Codeine Phosphate and  
chlorpheniramine Maleate Syrup (DIALEX DC) (Each bottle  
100 ml), 100ml x 109 = 10900 ml= 10.90 liter. Tablet containing



NDPS material total  $540 + 557 = 1097 \times 10 \text{ mg} = 109.70 \text{ grams}$   
another tablet total Nitrazepam IP Tablets  $948 \times 10 \text{ mg} = 94.80$   
gram, Carbamazepine Tablets IP  $38 \times 10 \text{ mg} = 380 \text{mg}$  have been  
recovered along with other material.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is a lady aged about 50 years and due to wrong done by her son, she has been framed in this case. He further submits that at the time of filing of the present bail application, the antecedent of the petitioner was clean, but thereafter, one criminal case under the Bihar Prohibition and Excise Act has been lodged against her about which, he has intimated by way of filing supplementary affidavit, but in the said case, she has been granted bail. Learned counsel for the petitioner further submits that the small quantity is 5 grams and the commercial quantity is 250 grams. The recovery from the possession of the petitioner is in between commercial and small quantity. He further submits that vide order dated 10.10.2023, the case diary and F.S.L. report have been called for. Both the reports have been received and it transpires from the FSL report that the material seized was brown sugar. The petitioner is in custody since 07.06.2023.



5. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the brown sugar is 18 grams, but counting the weight of all the tablets and NDPS material, the weight crossed the commercial limit and in the light of the decision rendered in the case of *Hira Singh and Anr. Vs. Union of India and Anr.* reported in *(2020) 20 SCC 272* in which the Hon'ble Supreme Court has held in the case of NDPS not only NDPS quantity but rather weight of narcotic material has also been calculated.

6. As such, particularly, in view of the judgment rendered in the case of *Hira Singh and Anr. Vs. Union of India and Anr.* (supra), this Court is not inclined to grant bail to the petitioner accordingly, the prayer for bail of the petitioner is rejected.

**(Dr. Anshuman, J)**

Ashwini/-

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