

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4177 of 2024

Arising Out of PS. Case No.-710 Year-2022 Thana- KANKARBAG District- Patna

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Anita Devi W/O Raj Kumar R/O Mohalla- Kankarbagh, Jhoparpatti, P.S-
Kankarbagh, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mauar

For the Opposite Party/s : Ms.Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Arvind Kumar Mauar, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection
with Kankarbagh P.S. Case No. 710 of 2022, registered for the
offences punishable under Sections 21(a), 25, 29 of the NDPS
Act.

3. The police, in course of night patrolling, on receipt
of confidential information that co-accused Lalita Devi along
with her son Raj Kumar and her daughter-in-law (the petitioner)
are indulged in selling of drugs, conducted a raid. On search,
total five gram smack and cash of Rs.2,47,550/- has been
recovered from the house of Lalita Devi, where co-accused Raj
Kumar, who is said to be husband of the petitioner, has also



been arrested. Apprehended co-accused Raj Kumar has disclosed the names of his mother and wife, who are said to be indulged in trafficking of illicit drugs.

4. It is submitted on behalf of the petitioner that apart from the petitioner being homemaker having fair antecedent, there is no incriminating material against her, however, only she being wife of co-accused Raj Kumar, her name has been implicated in this case. He next submitted that the alleged recovered smack like substance, weighing five gram, admittedly comes within the purview of small quantity, thus, the rigors provided under Section 37 of the NDPS Act would not be at all applicable in the case of the accused persons. He next submits that only because of the alleged recovery of small quantity of smack like substance, the name of the entire family has been implicated in this case, without there being any other cogent material.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the police had the information that the petitioner along with other accused persons are indulged in trafficking of drugs.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that except the



allegation that the petitioner was indulged in trafficking of drugs, there is no other material suggesting the complicity of the petitioner, apart from the petitioner being a lady having fair antecedent, let the petitioner abovenamed be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge NDPS-cum-District and Sessions Judge, Patna in connection with Kankarbagh P.S. Case No. 710 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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