

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7594 of 2024

Arising Out of PS. Case No.-335 Year-2023 Thana- TATARPUR District- Bhagalpur

Smita Singh @ Smita Kumari Wife of Chandan Singh Resident of Village-
Kazwali Chak, P.S.-Tatarpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 21, 22 of the NDPS Act and Section 18 and 27 of the Drugs and Cosmetics Act.

3. As per allegation in the FIR, on getting secret information about selling of illegal cough syrup by the petitioner from her house, police party proceeded towards place of occurrence and apprehended her. On search, 17 bottles linctus cough syrup (each contains 100 ml.) total 1700 ml was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has



committed no offence. She has been falsely implicated in this Case as she is a house wife and her brother-in-law used to sell such contraband article. She has no concern with his affairs and was only made scape-goat in the instant case. Quantity of codine is 340 gram in the recovered cough syrup, which is below commercial quantity. No local person was made as a witness of the seizure list rather seizure list witnesses are police personnel. There is complete violation of provision of Section 50 of the NDPS Act. There is no FSL report to confirm that the seized article is contraband material. The recovered article comes below the commercial quantity. Petitioner has got no criminal antecedent and languishing in judicial custody since 15.12.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Bhagalpur in connection with Tatarpur P.S.



Case No. 335 of 2023.

(Sunil Kumar Panwar, J)

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