

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14366 of 2024

Arising Out of PS. Case No.-13 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Katihar

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Nirmala Devi @ Anila Kumari, Female, aged about 43 years, Wife of Gauri Chaurasia @ Manoj Tiwari, Resident of Sanholi, Dominia Chowk, P.S.- Chitragupt Nagar, District- Khagaria, Bihar, Presently residing at Village- Bhutauli, Malpa, P.S.- Chautham, District- Khagaria, Bihar-851201.

... .. Petitioner/s

Versus

1. Union of India, through Narcotics Control Bureau, Bihar at Patna.
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajni Kant Singh, Advocate
For the Union of India	:	Dr. Krishna Nandan Singh, ASG
		Mr. Arvind Kumar, CGC

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the Union of India.

2. The petitioner seeks bail in connection with Special (N.D.P.S.) Case No. 53 of 2023 arising out of NCB/PZU/V 13 of 2023 instituted for the offences punishable under Sections 8(c) read with Section 21(b) and 29 of the N.D.P.S. Act, 1985.

3. As per the prosecution case, huge quantity of consignment of Heroin (drugs) has been recovered from the conscious possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of



suspicion. Nothing has been recovered from the conscious possession of the petitioner. The place of occurrence happens to be a platform of Katihar Railway Junction. In the seizure list there is signature of police officials as an independent witnesses. He further submits that the petitioner is in the business of small grocery and in the same manner she was sleeping at the platform to wait for the morning train and the police has apprehended her. The whose case has been built up on the basis of suspicion and there is no material on record to implicated the petitioner in the alleged offence. Petitioner is in custody since 25.09.2023.

5. Learned APP for the State and learned counsel for the Union of India vehemently opposes the prayer for bail and submits that there is huge quantity of consignment of Heroin (drugs) carried by the petitioner, so he does not deserve for bail.

6. From perusal of the case diary, FIR, search and seizure list of the Narcotic Control Bureau, Patna and other documents on record and also the impugned order of the learned Additional District Judge-III, Katihar dated 11.12.2023, it appears that two plastic packets of gray colour dried powder substance i.e., Heroin total 210 gm. has been recovered from the conscious possession of the petitioner. The seized heroin 210



gm. which comes near about commercial quantity and the witnesses of the case diary also supports the prosecution case, considering the facts and circumstances of the case as well as nature of the offence, I am not inclined to grant bail to the petitioner.

7. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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