

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38449 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- JOGBANI District- Araria

Reeka Devi @ Reka Devi, W/o Rohit Yadav, R/o Village- Thekapur, P.S. -
Raniganj, Dist- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Jogbani P.S. Case No.59 of 2024 registered for the
offences punishable under Sections 20(b)(ii)B of the Narcotic
Drugs and Psychotropic Substances Act, 1989 (for short
'NDPS Act').

3. The accused/petitioner is named in the FIR and
is in custody since 16.03.2024.

4. The allegation against the petitioner is to have in
possession of contraband/*ganja* total of 16 kilograms along
with other co-accused, while she was found travelling in a
car bearing Registration No.BR-38N05360.



5. Learned counsel appearing on behalf of the petitioner submitted that the car in issue was occupied by different persons and as such it can be said safely that the recovery of contraband/ganja not appears to be made from conscious physical possession of the petitioner. It is submitted that the compliance of mandatory provisions as available under law regarding search of vehicle not appears to be followed in the present case. It is further submitted that the recovered quantity is less than the commercial quantity of 20 kilograms being *ganja*, as such, rigorous implications of provisions as available under Section 37 of the NDPS Act not appears applicable in the present case. While concluding argument, it is submitted that the petitioner is a lady of clean antecedent.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid facts and circumstances, as the recovered quantity is less than commercial quantity, where the petitioner is lady of clean antecedent, accordingly, the petitioner, above-named, is directed to be released on



bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions-cum-Special Judge, NDPS Act, Araria in connection with Jogbani P.S. Case No.59 of 2024 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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