

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40907 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- TARAPUR District- Munger

Bishekha Devi Wife Of Pranav Kumar Jha Village- Satkhariya, Ps- Tarapur,
Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal , Sr.Adv
		Mr. Jyoti Ranjan Jha, Adv.
For the Opposite Party/s :		Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

N.D.P.S. P.S. Case No. 06 of 2024 (Arising out of

Tarapur P.S. Case No. 57 of 2024) registered for the

offence under Sections 8(C)/21(C)/29 of the N.D.P.S.

Act.

3. The petitioner is named in the F.I.R. and is

in custody since 22.03.2024.

4. The allegation against the petitioner is to

have in possession of different cough syrups and



medicines, where one of the constituents was found as '**Codeine**', which is a contraband/narcotics substance.

5. Mr. N.K. Agarwal, learned senior counsel appearing on behalf of the petitioner submitted that petitioner implicated in present case only being the wife of the main co-accused namely Pranav Kumar Jha as she was present in the house at the time of raid which was made on the instance of medical inspector of the area. It is pointed out by senior counsel that the husband of the petitioner was running a medical shop having valid license but as his shop was vacated by landlord he shifted medicines including cough syrups in his house. It is pointed out that mere a regulatory violation regarding change of place of business surfaced out of compulsion and for that limited reason, the wife of the main co-accused namely Pranav Kumar Jha also made accused in this case. It is submitted that the 'Codeine' is one of the prescribed and approved composition of the cough syrup which was manufactured by reputed pharmaceuticals



company and as same was obtained under valid license being a medical shop owner by the husband of the petitioner, and as such the implications of petitioner is completely unfounded. It is also submitted by learned senior counsel that from the bare perusal of the FIR it appears that this is a case which falls under the perview of Drug and Cosmetic Act, 1940 where there is mandatory provisions of filing complaint. In support of his submissions learned senior counsel relied upon the FIR itself which shows strength by presence of medical inspector at the time of raid itself. It is further submitted that the compliance of Section 100(4) of the Cr.P.C not appears to be followed in the present case. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.



7. In view of the aforesaid facts and circumstances as implication of this petitioner, *prima-facie*, appears only being the wife of the main co-accused, who is a lady of clean antecedent and is in custody since 22.03.2024, coupled with fact that charge-sheet has already been submitted, accordingly, above named petitioner, is directed to be released on bail in connection with N.D.P.S. P.S. Case No. 06 of 2024 (Arising out of Tarapur P.S. Case No. 57 of 2024) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Munger subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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