

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52878 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- DHANAHA District- West Champaran

Saguni Devi, W/O Sri Achhelal Sahani @ Axaylal Sahani, R/O Village-
Malahi Majhariya, P.S- Malahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 70709 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- DHANAHA District- West Champaran

Shiv Kumari Devi, W/o- Binod Sah, Resident of Village-Tamkuha P.S.
Dhanaha, District- West Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 52878 of 2024)
For the Petitioner/s : Mr. Sharad Kumar Verma, Adv.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 70709 of 2024)
For the Petitioner/s : Mr. Mayank Mohan, Adv.
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-12-2024 Heard learned counsel for the petitioners and the
learned APPs for the State.

2. The petitioners seek regular bail, who are in
custody in connection with Dhanaha P.S. Case No. 110 of 2024,
registered for the offences punishable under Sections 8/20(b)(ii)
(C) and 29 of the Narcotics Drugs and Psychotropic Substances



Act, 1985.

3. Allegedly, in course of vehicle checking, a public bus coming from Patna to Padrauna, bearing Registration No. BR31PA-5551 was intercepted. In course of search, four aristocrat trolley bags, claimed to be owned by *Angad Sah*, petitioner *Shiv Kumari Devi* (in Cr. Misc. No. 70709 of 2024), *Pankaj Gupta*, *Mamta Kumari* and petitioner *Saguni Devi* (in Cr. Misc. No. 52878 of 2024) were recovered from the dickey of the bus. The four trolley bags were marked as A, B, C and D and total 38 Kg *ganja* was recovered. On interrogation, the petitioners disclosed that the *ganja* was belonging to one *Razid Ansari* and *Saheb Ansari* and the accused persons used to get Rs. 10,000/- for each consignment.

4. Learned Advocate for the petitioners referring to the FIR, primarily contended that even if the allegation taken to be true, for the sake of argument, it suggests that four aristocrat trolley bags containing different weight of *ganja* was recovered from different persons. The alleged *ganja*, which is said to have been recovered from the aristocrat trolley bag, carrying by the petitioners in the dickey of the bus, even it is weighed, it is much below the commercial quantity and, as such, the rigors provided under Section 37 of the N.D.P.S. Act would not be



applicable in the present case. It is next contended that the petitioners are ladies having fair antecedent and they undertake that they will fully cooperate in the proceedings of the Court. It is lastly contended that one of the co-accused persons, namely, Pankaj Gupta with similar allegation has been accorded the privilege of bail by this Court in Cr. Misc. No. 62660 of 2024 vide order dated 20.11.2024. Now, the petitioners have been incarcerated since 31.05.2024.

5. On the other hand, referring to the averments made in the counter affidavit, learned APP for the State vehemently opposed the bail application and submitted that the total 38 Kg *ganja* was recovered from the possession of all the accused persons and, as such, the quantity of *ganja* false within the commercial quantity.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that recovery has been made from a public vehicle by four trolley bags, which were duly claimed by different persons and, as such, the quantity, which is said to have been recovered from the possession of the respective petitioners is found to be below commercial quantity, coupled with the fair antecedent of the petitioners and the fact that one co-accused person has already



been allowed the privilege of bail, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, under NDPS Act, West Champaran at Bettiah in connection with Dhanaha P.S. Case No. 110 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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