

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76030 of 2024

Arising Out of PS. Case No.-302 Year-2024 Thana- KISHANGANJ District- Kishanganj

Jahnaj Khatoon @ Jahnaj Khatun W/o- Muhammad Rahman @ Rahman
Ansari @ Subodh Prasad Village- Khagra Machchmara ward no 33, PS-
Kishanganj, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 24-10-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Kishanganj P.S. Case No. 302 of 2024 instituted for the

offences under Sections 318(4), 336(3), 336 (4) of the

B.N.S. and Sections 8(c) and 21 (c) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered

total 261 grams & 660 mg smack besides other articles

including cash of Rs. 1,42,000/- from the house of the

petitioner.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as



alleged against him and has falsely been implicated in the present case. The petitioner is a simple housewife and has been implicated in this case solely due to her marital relationship with the co-accused Md. Rahman and her presence in the house at the time of search. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 10.08.2024 without any rhymes or reason.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under



Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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