

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81274 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- Babarganj District- Bhagalpur

Sunita Devi Wife of Nirmal Kumar Sah Resident of Village- Aliganj Gangti,
P.S.- Babarganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md.Najmul Hodda, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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

ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Babarganj P.S. Case No. 98 of 2024 instituted for the offences
under Sections 21(b), 22(b), 25 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
17.2 gram of brown sugar contained in 44 pouches from the
house of the petitioner. The police has also recovered Rs.
29,020/- from there.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against her and has falsely been implicated in the present case
merely on the basis of suspicion. He further submits that



nothing incriminating has been recovered from the conscious possession of the petitioner rather the same has been recovered from the joint house and has no concern with the alleged recovery of contraband. The quantity of recovered contraband is much below than the commercial quantity and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is also no compliance of Section 42 and 50 of the N.D.P.S. Act. So far as recovered Rs. 29,020 is concerned, the same is her personal amount. 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 12.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature and, hence, she does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner is a lady having no criminal antecedent coupled with the fact that the recovered contraband being much



below the commercial quantity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Babarganj P.S. Case No. 98 of 2024.

(Rudra Prakash Mishra, J)

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