

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85826 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- NADI P.S. District- Patna

Radha Kumari Wife of Kusindra Kumar Village -Bariarpur PS -Bakhtiyarpur,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection with Nadi P.S. Case No. 159 of 2024 registered for the offences punishable under Sections 8, 20(b)(ii)(b) of the N.D.P.S. Act.

3. As per FIR, seeing the police, one person is said to have fled away from the spot leaving behind a motorcycle and when the said motorcycle was searched, altogether 03 kg of ganja has been recovered from a bag hanging from the handle of the said motorcycle.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. She has falsely been implicated in this case due to ulterior motive. No



contraband article has been recovered from the conscious physical possession of the petitioner or from her house. The allegation levelled against the petitioner is totally false and based on concocted facts. She has no concern either with the seized *ganja* or the place of recovery or any illegal trade. Her name has been transpired in the present case merely because she is the registered owner of the seized motorcycle. In fact, prior to the alleged occurrence, the said motorcycle was stolen by someone on 16.05.2024, but before she could lodge an FIR, the present case came into existence. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case as well as the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order



considering the fact that no contraband article has been recovered from the conscious physical possession of the petitioner or from her house.

(Anjani Kumar Sharan, J)

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