

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80692 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- SACHIVALAYA District- Patna

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GUJNI DEVI @ RAJNI DEVI W/O KISHORE NUT R/O VILLAGE- NEAR
CHITKOHRA BIRDGE JHOPARPATTI, P.S- SACHIVALAYA, DISTT.-
PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh

For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-01-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Sachivalaya Police Station Case No. 137 of 2023, dated 04.09.2023, disclosing offences under Section 21 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The prosecution case, as per the First Information Report, is that the police, on the basis of secret information that the petitioner is indulged in selling smack, raided the house of the petitioner and upon seeing the police, the petitioner fled away and the police recovered 7.752 gms. of smack, kept in 38 sachets, from the house of the



petitioner.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and has falsely been implicated in this case with oblique motive. He further submits that Section 51 of the Narcotic Drugs and Psychotropic Substances Act, 1985, envisages that the provisions of the Code of Criminal Procedure, 1973, shall apply in relation to search, seizure, arrest made under this Act and the police, at the time of search of the house of the petitioner, did not adhere to the provision prescribed under Section 100 (4) of the Code of Criminal Procedure, 1973 inasmuch as the search and seizure has not been made in presence of independent witnesses. He further submits that the recovered quantity of smack is more than the small quantity, but less than commercial quantity. He further submits that the house, from where smack has been recovered, does not belong to the petitioner.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that more than small quantity of smack has been recovered from the house of the petitioner, I am



not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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