

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2454 of 2025

Arising Out of PS. Case No.-90 Year-2024 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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Suman Devi Wife of Mithilesh Kumar Das Resident of Village - Bishanpur
Bakhri, P.S. - Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Om Prakash Om

For the Opposite Party/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 06-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Bhagalpur P.S. Case No. 90 of 2024 registered for the offence
punishable under Sections 8(c)/21(c) of the NDPS Act.

3. As per the F.I.R., on 4.6.2024, the informant Police
Officer received information that a woman is travelling with
narcotics substances in Coach No. B-3. On such information,
the informant along with other police personnel arrived at
platform No. 4 where suspicious woman got off from train with
her bag. On query, she disclosed her name as Suman Devi i.e.
the petitioner and on search 40 plastic bottles containing
Morphine were recovered from her bag. It has been alleged that
on weighing total 496 Gram Morphine was found.



4. Learned counsel for the petitioner submits that the petitioner is having no criminal antecedent. She has been falsely implicated in this case at the behest of police. The seizure list witnesses are police personnel except one person which creates doubt regarding the genuineness of whole prosecution story. The petitioner is in custody since 05.06.2024.

5. A report was called for with regard to the stage of trial from the court below which has been received.

6. From perusal of the report dated 08.07.2025, it appears that the case is at the stage of evidence and out of six chargesheeted witnesses, two witnesses have been examined. Warrant of arrest has been issued against rest of the witnesses.

7. I have gone through the report of the Forensic Science Laboratory, Bhagalpur and from perusal of the same, it is evident that the seized product is Morphine which is an addictive, intoxicating and narcotics substance.

8. Learned Additional Public Prosecutor appearing on behalf of the State has vehemently opposed the prayer for bail and submits that the small quantity of morphine is 5 grams whereas the commercial quantity is 50 grams and 496 grams of morphine has been recovered from the possession of the petitioner which is commercial quantity.



9. This Court has reason to believe the involvement of the petitioner from whose possession commercial quantity of Morphine has been recovered.

10. In view of the above, I am not inclined to grant bail to this petitioner. It is accordingly, dismissed.

11. However, the petitioner is at liberty to renew her prayer for bail after six months if the trial does not progress substantially.

(Anil Kumar Sinha, J)

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