

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3473 of 2025

Arising Out of PS. Case No.-241 Year-2024 Thana- JOGBANI District- Araria

Roushan Khatoon, Wife of Late Md. Jamil, Resident of Village- Chhoti Masjid, Ward No.06, Police Station- Jogbani, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard Mr. Ramesh Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Jogbani P.S. Case No. 241 of 2024 registered for the offences punishable under Sections 21/22 of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as 'the NDPS Act').

3. In course of vehicle checking, the police on suspicion intercepted an E-rickshaw. On noticing the police party, the petitioner, who was sitting on the back seat of E-rickshaw, tried to flee away, however, she was apprehended. On search, total 49.50 Gms of Smack like substance was recovered in a black wrapped polythene.

4. There is complete denial of recovery of smack like



substance.

5. Learned Advocate for the petitioner contended that in fact on the fateful day, when the police intercepted the E-rickshaw, the persons who were sitting inside the E-rickshaw succeeded in fleeing away after leaving their bags and articles and the petitioner being the bonafide passenger stayed there and apprehended by the police. The petitioner has neither any concern with the alleged smack like substance nor she has ever been involved in such type of incidence. The alleged recovered smack like substance is much below the commercial quantity and even the allegation is taken to be true, does not attract the bar, as prescribed under Section 37 of the NDPS Act. There are various other infirmities in the search and seizure, moreover, the witnesses are non-else than the police personnel. The petitioner being a lady, undertakes before this Court that she will fully cooperate in the proceeding of the court; now she has been incarcerated since 22.12.2024.

6. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was apprehended by the police and from her possession contraband substance has been recovered. The petitioner was being used as a carrier of narcotic substance.



7. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovered substance is below the commercial quantity, coupled with the fact that the petitioner being a lady, having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Principal District & Sessions Judge, Araria in connection with Jogbani P.S. Case No. 241 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed her criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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