

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5707 of 2025

Arising Out of PS. Case No.-1157 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Sheela Devi @ Shila Devi W/o- Deepak Ram Village- Jagdamba Nagar
Bairiya Bus Stand Ps- Ahiyapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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

ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 1157 of 2024 instituted for the offences
under Sections 8(c), 21(b), 25, 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 96.32 grams
of smack has been recovered in this case, out of which 38.6
grams of smack has been recovered from the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner is an innocent lady and has falsely been implicated in
the present case. Charge-sheet has been submitted in this case.
Petitioner is in custody since 25.08.2024 and has one criminal
antecedent. There is no allegation of tampering of witnesses



alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, seized contraband being less than commercial quantity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Ahiyapur P.S. Case No. 1157 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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