

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12177 of 2025

Arising Out of PS. Case No.-351 Year-2024 Thana- SABAUR District- Bhagalpur

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Dolly Kumari W/O Abhinav Kumar @ Tinku Mandal R/O Mohalla-
Mamlakha, P.S- Sabour, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.

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

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

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sabour
P.S. Case No. 351 of 2024 instituted for the offences under
Sections 8(c), 20(b)(ii)B of the Narcotics Drugs and
Psychotropic Substance Act (NDPS Act), 1985.

3. As per prosecution case, the police has recovered
1900 gram *Ganja* like substance from the house of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against her and has falsely been implicated in the present case.
The petitioner is a house wife and has no concern with the



alleged seized Ganja and has falsely been implicated in this case because she is the wife of the co-accused. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband. The quantity of *Ganja* recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 06.10.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Abhinav Kumar @ Tinku Mandal @ Tinku @ Abhinav Kumar Mandal @ Sintu Mandal has been granted bail by this Court vide order dated 28.01.2025 passed in Cr. Misc. No. 3203 of 2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the quantity of



contraband being below the commercial quantity, the prayer for bail being based on parity, the petitioner having no criminal antecedent as also the petitioner being lady, let the petitioner, abovenamed, 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 Sabour P.S. Case No. 351 of 2024.

(Rudra Prakash Mishra, J)

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