

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12288 of 2025

Arising Out of PS. Case No.-316 Year-2024 Thana- SONBERSA District- Sitamarhi

Ram Somari Devi W/O Shivji Mahto Resident of Village- Jaynagar Ward
No.- 10, P.S- Sonbarsa, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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

ORAL ORDER

5 18-07-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 316 of 2024 instituted for the offences
under Sections 21(b), 21(c) of the NDPS Act.

3. Prosecution allegation, in short, is that, on the basis
of secret information, police raided Puja Medical Hall and
recovered 25 bottles of Onerex Cough syrup. Further, on inquiry
of the Shopkeeper of the said medical store, search was
conducted in the house of Shivji Mahto, however, the wife of
Shivji Mahto, namely, Ram Somari Devi (petitioner herein)
obstructed the police personnel and also hurled abuses.
However, after subjugation of the Ram Somari Devi, police



personnel conducted search and recovered total 700 bottles of cough syrup of three different brands and a large number of various types of injections were also recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 09.10.2024 and has got one criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submitted that there is no specific allegation against the petitioner that she supplies the drugs/contrabands to the medical store from where the alleged recovery has been made. Learned counsel further contended that the specific allegation of dealing in the drugs/contraband is against the husband of the petitioner and the petitioner has no concern at all with the alleged recovery. The petitioner is being dragged in this case merely because she happens to be the wife of the accused Shivji Mahto from whose house, large quantity of contraband has been recovered. There is no compliance of Sections 42 and 50 of the NDPS Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that he has filed counter-affidavit in the present



matter and has specifically mentioned the quantities of the respective contraband in paragraph nos. 12 to 22. Learned APP, therefore, submitted that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. Learned A.P.P. has further relied upon a case of Hon'ble Supreme Court since reported in (2020) 20 SCC 272 (Hira Singh and Another versus Union of India and Another) in which the Hon'ble Apex Court held that in case of seizure of mixture of narcotic drugs or psychotropic substance with one or more neutral substance(s), the quantity of neutral substance(s) is not to be excluded and to be taken into consideration along with actual content by way of offending drug while determining the "small or commercial quantity" of narcotic drugs or psychotropic substance.

6. Considering the aforesaid facts and circumstances of the case, petitioner being lady having no direct involvement in the alleged offence and the only specific allegation against her is that of obstructing the police personnel and, *prima-facie*, it appears that she is being dragged in this case merely because she happens to be the wife of the accused, namely, Shivji Mahto as also the period of custody undergone by her, 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 Sonbarsa P.S. Case No. 316 of 2024.

(Rudra Prakash Mishra, J)

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