

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12792 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- BUDHUCHAK District- Bhagalpur

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Rupa Kumari @ Rupa Devi Wife of Dilip Kumar Village -Gaughatta PS
-Budhuchak Distt -Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

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

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

ORAL ORDER

2 05-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Budhuchak P.S. Case No. (5103013250003) 03/2025 instituted
for the offences under Sections 08, 20(B)ii(B) of the N.D.P.S.
Act.

3. Prosecution case, in short, is that total 5.155 Kg.
ganja has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent lady and she has falsely been implicated in
the present case. Petitioner is in custody since 14.01.2025 and
has no 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 rather the recovery has been made from the bushes beside her house. 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, recovered 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 Budhuchak P.S. Case No. (5103013250003) 03/2025.

(Rudra Prakash Mishra, J)

Alok Verma/-

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