

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16781 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- TIKAPATTI District- Purnia

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Rubi Kumari @ Rubi Devi W/O Manoj Kumar Jaiswal R/O Village- Simra,
P.S- Tikapatti, Distt.- Purnea, Bihar, Pin Code-..

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Vikram Rana, Adv

: Ms. Misha Bharti, Adv

For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 06-08-2025 Heard learned counsel appearing on
behalf of the petitioner and learned APP appearing
on behalf of the State.

2. The petitioner seeks bail in connection
with Tikapatti P.S. Case No. 08 of 2025 registered
for the offences under Sections 20(b)(ii)(c)/29 of
the N.D.P.S. Act.

3. The petitioner is named in the F.I.R.
and is in custody since 16.01.2025.

4. As per FIR, total of 31.883 kilograms
of *ganja* was recovered from the house of
petitioner.

5. Learned counsel appearing on behalf
of the petitioner submitted that petitioner is a
housewife and for that reason she was present at
home during raid, whereas in actual her husband



was dealing with all such illegal activities for which she was not aware about. It is pointed out that as per FIR some *ganja* like substance was recovered which even without any preliminary examination confirming that same was *ganja* was seized and sealed. It is submitted that even without any confirmation test that contraband was *ganja*, a sample was drawn and sent for forensic examination and even without obtaining the FSL report the charge-sheet was submitted against petitioner, who is otherwise a lady of clean antecedent. It is submitted that being wife the presence of petitioner in house from where the alleged contraband was recovered cannot be said as incriminating circumstances or otherwise suggesting involvement of petitioner with possession of contraband/*ganja*.

6. Travelling further in argument, it is pointed out by learned counsel that in fact it is also a case of default bail because incomplete charge-sheet is not a charge-sheet in terms of law and, therefore, considering the report of this Court as



available through **Ram Babu Yadav Vs. State of Bihar, [2022(2) PLJR 462]** and also as per legal ratio as available through **Uday Mohanlal Acharya Vs. State of Maharashtra, [(2001) 5 SCC 453]**, this petitioner is entitled for bail. It is pointed out by learned counsel that cognizance was taken without having FSL report on record. While concluding the argument it is submitted that with same allegation the husband of petitioner is in custody and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

7. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that now FSL report is available on record, which is fixed for framing of charge, however he conceded that charge-sheet was submitted without obtaining FSL report. It is also conceded that FIR is not suggesting prima-facie any preliminary test to ascertain seized material as *ganja* before sending sample for its forensic examination.

8. In view of aforesaid facts and



circumstances as mentioned above and by taking note of fact as admittedly charge-sheet in this matter submitted without FSL report in the background that sampling was done without any preliminary test ascertaining prima-facie that the seized item was *ganja*, making entire prosecution doubtful on its face, coupled with the fact as petitioner is a lady of clean antecedent, who remains in custody since 16.01.2025, accordingly above named petitioner, is directed to be released on bail in connection with Tikapatti P.S. Case No. 08 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS Act), Purnea/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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