

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27925 of 2025

Arising Out of PS. Case No.-380 Year-2024 Thana- CHAUTHAM District- Khagaria

Shakshi Devi W/o Dharmendra Paswan R/o Village- Saraiya, P.S.- Chautham,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

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

ORAL ORDER

2 12-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Special
Case No. 33 of 2024 arising out of Chautham PS Case No. 380
of 2024 instituted for the offences under Sections 8, 20(b)(ii)B
& 21(c) of the NDPS Act and Sections 25(1-B)a, 26(1) & 35 of
the Arms Act.

3. Prosecution allegation, in short, is that on
30.12.2024, police raided the shop of Dharmendra Paswan and
his wife (petitioner) in Saraiya village based on secret
information about illegal contraband sale. During the raid, 4.400
kg ganja, 11 pieces of codine (1.100 litres), one pistol, two live
cartridges, and Rs. 6,200 in cash were recovered, and petitioner



was apprehended.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered arms and contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 31-12-2024 and has got no criminal antecedent. 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, recovery below commercial quantity and 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 Special Case No.



33 of 2024 arising out of Chautham PS Case No. 380 of 2024,
subject to the following conditions:

(I) One of the bailors shall be own/close member of the
family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on two
consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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