

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33411 of 2025

Arising Out of PS. Case No.-988 Year-2024 Thana- JAHANABAD District- Jehanabad

Daulati Devi W/o Late Ashok Choudhary @ Ashok Kumar Choudhary
Resident Of Village- Panch Mohallah, Ps- Jehanabad, Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Neeraj, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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

ORAL ORDER

2 16-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Jehanabad P.S. Case No. 988 of 2024, registered for the offences
punishable under Sections 8(c), 21(a) and 29 of the NDPS Act.

3. The prosecution case, in short, is that, there is
recovery of 5 gram smack from the possession of co-accused,
namely, Sunny, who disclosed the name of the petitioner as one
of the associates of the syndicate.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel for the petitioner also submits that



the petitioner has got no concern with the alleged recovery of smack. The alleged recovery has been made from the possession of co-accused, namely, Sunny, who disclosed the name of the petitioner and the same has got no evidentiary value. The petitioner has got one criminal antecedent in which she has already been acquitted. The recovered contraband is not more than small quantity. Hence, Section 37 of the NDPS Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the NDPS Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 25.04.2025 passed in Cr. Misc. No. 26690 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jehanabad P.S. Case No. 988 of 2024, subject to the conditions as laid down under



Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita,
2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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