

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53421 of 2025

Arising Out of PS. Case No.-471 Year-2025 Thana- JAHANABAD District- Jehanabad

Priya Devi W/o Jitendra Chaudhary @ Jitendra Chaudhari R/o Mohalla -
Panch Mohalla, Jehanabad, P.S.- Jehanabad, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Jehanabad P.S. Case No. 471 of 2025 dated 09.06.2025
registered for the offence punishable under Sections 8(c), 21(b)
and 29 of the NDPS Act.

3. The case of the prosecution is that as per the
written application of the informant, Diwakar Kumar
Vishwakarma, Police Sub-Inspector dated 09.06.2025, in the
course of patrolling, the informant got information about selling
of smack by the co-accused Upendra Chaudhary @ Fatta in his
house. The informant along with other police personnel reached
there and on seeing the police party one person succeeded in



fleeing away and another person was apprehended who disclosed her name as Priya Devi (petitioner) and thereafter, the police personnel raided the house of the co-accused Upendra Chaudhary @ Fatta and on search of his residence total of 57.53 grams of smack was recovered from his house and on being asked the petitioner, Priya Devi disclosed that the co-accused Upendra Chaudhary @ Fatta being her *Debar* used to supply the smack in the locality and co-accused Mohit Kumar, Rita Devi, Daulati Devi, Santosh Chaudhary and her Debar Upendra Chaudhary were also involved in the supply of smack. It is further alleged in the FIR that the informant also got information that co-accused Daulati Devi also used to sell smack, on which the police personnel reached there and on search total 3.97 grams of smack were recovered from her house.

4. Learned counsel for the petitioner submits that no smack has been recovered from the conscious physical possession of the petitioner and the search and seizure memo which has been brought on record also reveals that 57.53 grams of smack has been recovered from the house of Upendra Chaudhary and not from the house of the petitioner. He, therefore, submits that the petitioner has been falsely implicated



in this case and that she is completely innocent. It is further submitted that the petitioner has no criminal antecedent and she is in judicial custody since 10.06.2025. He further fairly submits that the charge sheet has not been filed in the present case and technically the investigation is till continuing.

5. On the other hand, learned APP appearing for the State opposes the prayer for grant of bail of the petitioner.

6. Considering the fact that the petitioner is a lady and also the fact that no smack has been recovered from her conscious physical possession, coupled with the fact that the search and seizure memo which has been brought on record clearly discloses that whatever smack has been recovered, it has been recovered from the house of Upendra Chaudhary and not from the house of the petitioner and also coupled with the fact that she has no criminal antecedent. Under these circumstances, I am inclined to grant the privilege of bail to the petitioner.

7. The petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jehanabad P.S. Case No. 471 of 2025, subject to the following conditions:-



(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

Prakash Narayan

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