

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56127 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- NAKARDEI District- East Champaran

Sabaya Khatoon @ Sabeya Khatoon Wife of Md. Badrodoja Sah @ Badroija
@ Badru Doja Dewan Village- Sirisiya Mal, Post- Noneyadih, Nonea, Dist-
East Champaran, Bihar-845305

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohd Rustam Hussain, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 29-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 111, 132 and 223 and 3(5) of BNS, 2023 and Section 8(c), 21(b) and 29 of the NDPS Act, 1985.

3. Allegation in the FIR is that 71 grams of smack without plastic and 77 grams with plastic was recovered from the cash counter of the shop of the petitioner's husband. It is further alleged that during the course of raid, an obstruction was also being caused by the present petitioner who happens to be the wife of the main accused Badru Doja Dewan.

4. Learned counsel for the petitioner submits that it



would be apparent from the FIR itself that there is specific allegation that it was the petitioner's husband who was engaged in the business of narcotics and the recovery has also been shown from the cash counter of the said shop which was being run by the petitioner's husband. So far as the petitioner is concerned, she is a lady and has been implicated in this case only on the fact that she is the wife of main accused upon whom there is allegation of causing obstruction to duty. Further, it has also been submitted that the present case has been lodged with oblique motives only after the petitioner's husband has filed several applications before the superior authorities against the present informant and the other police officials and also the local Chowkidar. Further, submission is that the recovery is no doubt more than small quantity but less than commercial quantity.

5. Learned APP, however, opposes the grant of anticipatory bail.

6. Taking into consideration the facts and circumstances of the case and also considering that the allegation on the petitioner is confined to causing some obstruction in the raid and that recovery has not been made from her personal and conscious possession, let the petitioner, above named, who is a lady having no criminal antecedent, in the event of her arrest or surrender before the learned Court below within a period of four weeks, be released on



anticipatory bail in connection with **Nakardei P.S. Case No. 41 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 the learned Court below, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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