

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81032 of 2025

Arising Out of PS. Case No.-339 Year-2025 Thana- SURSAND District- Sitamarhi

1. Babita Devi Wife of Gorakh Sah R/o Village- Barahi, Ward No. 9, P.S.- Parihar, District- Sitamarhi
2. Ekbari Devi Wife of Late Mishri Baitha R/o Village- Barahi, Ward No. 9, P.S.- Parihar, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 15-12-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Sursand PS Case No. 339 of 2025 instituted for the offences under Sections 8(c), 20(b)(ii) & 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 10.400 Kg ganja was recovered from Tempo in which petitioners were sitting.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have 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 petitioners. Learned counsel for the petitioners further submits that petitioners have no concern with the recovered contraband and they were merely passenger of the Auto and they have become the victim of the circumstance. 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 petitioners are in custody since 03.09.2025 and have 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 petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sursand PS Case No. 339 of 2025, subject to the following conditions:

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

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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