

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89509 of 2024

Arising Out of PS. Case No.-318 Year-2024 Thana- SONBERSA District- Sitamarhi

Uma Devi @ Uma Kumari W/o Ravindra Thakur R/o Vill- Soharwa, P.S.-
Sonbarsa, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Thakur Brajesh Singh, Advocate Mr. Zeyanl Hoda, Advocate
For the U.O.I.	:	Mr. Ram Anurag Singh, C.G.C..
For the State	:	Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 07-05-2025 Heard Mr. Zeyanl Hoda assisted by Mr. Thakur Brajesh Singh, the learned counsel appearing on behalf of the petitioner, Mr. Ram Anurag Singh, the learned counsel for the Union of India and Mr. Bharat Bhushan, the learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Sonbarsa P.S. Case No. 318 of 2024, registered for the offences punishable under Sections 8/20(b)(ii)(c) of the N.D.P.S. Act.

3. The allegation against the petitioner is that when raid was conducted in the house, total 1.856 kg of *charas* was recovered from the house and the petitioner was apprehended.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case admittedly due to the recovery of the narcotics substance which was not made from conscious possession of the petitioner, however, it was stated in the FIR that it was recovered from the house of the petitioner. The learned counsel further points out that during the course of investigation, in the re-instatement, the informant himself has stated that the recovery was made from the terrace of the house which was also supported by the other witnesses whose statement was also recorded during the investigation. Learned counsel has further submitted that the petitioner has no criminal antecedent and she is in custody since 10.10.2024. The learned counsel has pointed out that the petitioner is an Aasha worker and in support of her contention, he has drawn the attention of this Court towards the supplementary affidavit which has been filed bringing on record the letters and the identity card which would suggest that the petitioner was working as an Asha worker.

5. The learned A.P.P. for the State and the learned counsel for the Union of India have vehemently opposed the prayer for bail and has stated that the petitioner was apprehended in her house, where 1.856 kg charas was recovered, which is a commercial quantity.



6. Considering the aforesaid submissions made by the respective parties taking into account the fact that no incriminating article was recovered from the conscious possession of the petitioner and the petitioner being the lady, having clean antecedent and is in custody since 10.10.2024, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Principal Sessions Judge-cum-Special Judge (NDPS Act), Sitamarhi, in connection with Sonbarsa, P.S. Case No. 318 of 2024.

(Sourendra Pandey, J)

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