

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67 of 2025

Arising Out of PS. Case No.-137 Year-2023 Thana- SACHIVALAYA District- Patna

Gujni Devi @ Rajni Devi W/o Late Kishore Nut R/o Mohalla- Near
Chitkohra Bridge Jhoparpatti, PS- Sachiwalaya, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 24-01-2025 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out
of Sachiwalaya Police Station Case No. 137 of 2023 dated
04.09.2023, disclosing offences under Sections 21(b) of the
NDPS Act.

3. The anticipatory bail application of the petitioner
was rejected by this Court in Cr. Misc. No. 80692 of 2023 *vide*
order, dated 18.01.2024. Thereafter, the petitioner surrendered
before the concerned Court and he is in custody since
28.10.2024.

4. As per the prosecution case, informant, on the basis
of secret information, raided the hut of the petitioner and upon
seeing the police party the petitioner fled away and the police
recovered 7.752 grams of smack, kept in 38 sachets, from the
hut of the petitioner.

5. Learned counsel for the petitioner submits that the



petitioner is a poor lady and has not committed any offence in the manner alleged, rather, she has been made accused by the police on the basis of suspicion. No incriminating article has been recovered from the conscious possession of the petitioner. Place from the where the smack was recovered is an abandoned hut under the Chitkohra Bridge, without any lock and door and there is no evidence that the alleged hut belongs to the petitioner. The quantity of recovered smack is only 7.752 grams, which is much less than the commercial quantity and just above the small quantity which is 5 grams.

6. Regards being had to the submissions made by the parties and taking into consideration the nature of offence and the fact that 7.752 grams of smack has been recovered from the hut of the petitioner which is more than the category of small quantity as per NDPS Act, 1985, I am not inclined to grant regular bail to the petitioner.

7. However, the petitioner may renew her prayer for bail after a period of three months if the trial does not show much progress.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

