

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5419 of 2026

Arising Out of PS. Case No.-434 Year-2025 Thana- BABUBARHI District- Madhubani

Samila Devi Wife of Pawan Mishra Resident of village - Rahikpur, Police
Station - Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uday Chand Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 03-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Babubarhi P.S. Case No. 434 of 2025 instituted for the
offences under Sections 8, 20(B)(ii) B, 22 of the N.D.P.S. Act.

3. Prosecution case, in short, is that 01 Kg. 100 gram
of Ganja has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner has no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. No incriminating
material has been recovered from the conscious possession of
the petitioner. Learned counsel for the petitioner further submits



that other co-accused has been granted regular bail by this Court vide order dated 13.01.2026 passed in Cr. Misc. No. 90718 of 2025. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Babubarhi P.S. Case No. 434 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

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