

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28822 of 2026

Arising Out of PS. Case No.-482 Year-2023 Thana- JOKIHAT District- Araria

Sahud Khatoon @ Shahud Khatun W/o Nuruddin, Resident of Village - Bardenga, Ward No. 03, Police Station - Mahalgaon, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ziaul Quamar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-05-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner is apprehending her arrest in connection with Jokihat P.S. Case No. 482 of 2023 registered for the offences under Sections 20/22 of NDPS Act.

3. As per prosecution case, in a drive conducted for arresting the accused persons, a car was found in abandoned condition. The police party searched for the owner but in vain. Thereafter, when this vehicle was searched, recovery of 6 kgs of Ganja kept in a sack was made from the dickey of the car. The name of the petitioner transpired in this case as she is said to be the owner of the vehicle.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner has been made accused in this case merely on the basis of the fact that she is the registered owner of the vehicle from which recovery has been shown but the petitioner does not drive the vehicle and she has no knowledge about the contraband said to be recovered from the vehicle. There is no conscious possession of the petitioner and there is no material on record to show her involvement except for the said fact that the recovery was made from her vehicle which was found in abandoned condition. Learned counsel further submits that the facts of the case are that the family friend of the petitioner's husband, namely Md. Nasar took the vehicle from the husband of the petitioner on the pretext of taking his ill wife to Purnea. Learned counsel further submits that the husband of the petitioner gave the vehicle to his friend in good faith and thereafter, the vehicle was seized after recovery of the contraband. The husband of the petitioner gave an application to the S.D.P.O., Araria stating all these facts and seeking proper investigation in the matter. Learned counsel further submits that except the fact that the family friend of the petitioner's husband misused the vehicle, the petitioner cannot be made liable for his



illegal act. There is non-compliance of mandatory provisions of Sections 42 and 50 of NDPS Act as no videography and photography has been done for search being conducted. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and also considering the possibility of false accusation, let the petitioner above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge -cum- Special Judge, NDPS Act, Araria/concerned court in connection with Jokihat P.S. Case No. 482 of 2023, subject to the condition as laid down under Section 482(2) of the B.N.S.S. and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present



on each and every date fixed by the
court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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