

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78094 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- Bhatni District- Madhepura

Sita Devi @ Devki Devi W/o Late Shyam Sunder Choudhary R/o Village-
Barahkurba, Ward No. 15, P.S.- Bhatni, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv.
		Mr. Deepak Kumar Singh, Adv.
For the Opposite Party/s	:	Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 19-03-2026 Heard Mr. N.K. Agrawal learned Senior counsel for
the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with
Bhatni P.S. Case No. 39 of 2025 for the offence punishable
under section-8, 20(b)(ii)(c) of the NDPS Act, lodged on
31.07.2025 by the informant.

3. As per the prosecution case, the allegation against
the petitioner is that there is recovery of Ganja (Psychotropic
substance) weighing 20 Kilograms and 642 Grams from the
house of the petitioner.

4. Learned senior counsel for the petitioner submits
that because of illegal activity of the petitioner's son who is said
to have been arrested by the police and is, at present, under
judicial custody for an allegation of being in possession of 20



Kilograms and 642 Grams of Ganja, a Psychotropic substance which is said to have been recovered from the house of this petitioner where the petitioner's son was also residing. The Psychotropic substance (Ganja) is said to have been kept in red colour cloth and plastic carpet in the courtyard. It has next been submitted that before filing of the charge-sheet in the case, FSL report with regard to the seized Ganja was not obtained from the Forensic Science Laboratory and by referring to the report issued by the Assistant Director, Regional Forensic Science Laboratory, Bhagalpur duly counter signed by Director, Regional Forensic Science Laboratory, Bhagalpur which is apparently prepared on 27.01.2026, it is submitted that there is a legal ambiguity in submission of the charge-sheet against this petitioner. It is next submitted that for the fault of the petitioner's son, the petitioner, being mother of the co-accused, Dharmendra Kumar, has remained under judicial custody since 01.08.2025 having no criminal antecedent.

5. Learned APP vehemently opposes the prayer for bail by submitting that a huge quantity of Ganja has been recovered from the house of the petitioner and her accomplice cannot be ruled out, therefore, she does not deserve the privilege of bail.



6. Considering the period of custody of the petitioner who has remained in custody since 01.08.2025 having no criminal antecedent and the fact that the investigation is completed and the charge-sheet has been filed, this Court is inclined to extend her the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ***Sessions Judge-cum-Special Judge, NDPS Act, Madhepura***, in connection with aforesaid PS Case, subject to the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/their bail bonds.

(Ajit Kumar, J)

perwez

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

