IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76834 of 2026
CNR No. BRHC011113902026
Arising Out of PS. Case No.-189 Year-2026 Thana- R S P.S. District- Araria

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Sima Kuraisi @ Bibi Sima W/o Chotu @ Sohrab Resident of Village- Rajokhar, Ward No. 5, P.S.- Araria R.S., District- Araria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ranjeet Choubey, Advocate
For the State : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with R.S. P.S. Case No. 189 of 2026, lodged on 11.08.2026, under Sections 8(c), 21(b) and 25 of NDPS Act and Section 111(1) of the Bharatiya Nyaya Sanhita, 2023.

3.As per the FIR, there were four named accused persons in this case including the present petitioner. It has been alleged in the FIR that the apprehended accused persons with 101 grams of smack have disclosed the name of the petitioner and her husband stating that they had provided the smack for selling to the apprehended accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel

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further submits that no recovery has been made from the possession of the petitioner. She is completely innocent and at the instance of the police, her name has figured in this case. Counsel further submits that the antecedent of the petitioner is clean and she is in custody since 23.08.2026. She has been made accused in the present case at the instance of the police official.

5. Learned counsel for the informant, on the other hand, opposes the prayer for bail of the petitioner and submits that the recovery of NDPS material weighing 101 grams of smack has been made from the conscious possession of the apprehended accused persons. The apprehended accused persons have made direct allegation against the petitioner and her husband stating that at their instance, they were involved in doing such business.

6. Learned counsel for the State on the other hand opposes the prayer for bail and submits that the contraband material is the subject matter of the present case. The quantity recovered is much more than the small quantity, but lesser than the commercial quantity, as the commercial quantity is 250 grams. Learned counsel fairly submits that it is true that the petitioner is a lady.

7. This court, upon perusal of the rejection order, finds

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that the recovery has not been made from the petitioner's possession; rather, those persons who have been apprehended have disclosed the name of the petitioner.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties, only after the framing of charge as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of learned Special Judge, NDPS Act, Araria, in connection with R.S. P.S. Case No. 189 of 2026, subject to the conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, subject to further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner 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 bail bonds by the Trial Court itself.

(Dr. Anshuman, J)

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