

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79426 of 2025**

Arising Out of PS. Case No.-673 Year-2025 Thana- AGAMKUAN District- Patna

Pinki Devi W/o Kamlesh Choudhary R/o Nakhal Toli, Near Children Jail,  
P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      29-01-2026                      Heard Mr. Raj Krishna Jha, learned counsel for the  
  
petitioner and Mr. Yogendra Kumar, learned Additional Public  
  
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
10.09.2025 in connection with Agamkuan P.S. Case No. 673 of  
2025, F.I.R. dated 11.09.2025 for the offences punishable under  
Sections 8(c), 21(b) of the Narcotic Drugs & Psychotropic  
Substance Act, 1985.

3. Recovery is of 143.260 grams of Brown  
Sugar/smack.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and she has falsely been implicated in the  
present case. It appears from the FIR that 143.260 grams of  
Narcotic Powder Brown Sugar/Smack was recovered from the



possession of the petitioner. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S Act for grant of bail to the petitioner. He further submits that the police after investigation submitted the charge sheet. The petitioner is in custody since 10.09.2025.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matter.

6. Considering the aforesaid facts and circumstances and the fact that the recovered contraband is less than the commercial quantity, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions judge-cum-Special Judge, N.D.P.S Act, Patna in connection with Agamkuan P.S. Case No. 673 of 2025, subject to the following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

Suruchi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

