

In the Court of Sri Dipankar Pandey, Principal District & Sessions Judge, Bhagalpur, B.A. No. 253/2026, Nisha Devi Vs. The State of Bihar, order dated 20-04-2026.

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BHAGALPUR

Bail Application No. 253/2026

Nisha Devi vs. State of Bihar

Barari P.S. Case No. 38/2026

Counsel for the petitioner :- Sri Narayan Pathak, Advocate.

For the State :- Sri Sridhar Singh, Special Public Prosecutor.

Date of Order	Order with Signature of the Court
1	2
20-04-2026	1. This is an application for regular bail filed on behalf of the accused- petitioner Nisha Devi, in connection with Barari P.S. Case No. 38/2026, instituted for offences u/s 8 (c), 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 and u/s 111 B.N.S. The petitioner is in custody since 23-02-2026. 2. Heard Sri Narayan Pathak, learned counsel for the petitioner and Sri Sridhar Singh, learned Special Public Prosecutor for the State. 3. As per FIR and seizure list it appears that Brown-sugar along with its wrapper weighing 6.80 gram, weighing machine etc. were recovered from the house of petitioner Nisha Devi in presence of her husband and co-accused Md. Ashif Mustafa. 4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. She has falsely been implicated in this case. It was further submitted that admittedly nothing incriminating has been recovered from the conscious possession of petitioner rather the alleged recovery has been made from the house of petitioner and her husband and co-accused were arrested from there. The petitioner being house wife, she was present in her house and that's why the petitioner was also arrested by the police. The petitioner bears clean antecedent and she is in custody since 23-02-2026. 5. The Learned Special P.P. though opposed the prayer for grant of bail to the petitioner but fairly conceded that nothing incriminating has been recovered from the conscious possession of petitioner. The recovery has been made from the house of petitioner where her husband and co-accused were present. As per para 32 of the case diary, the petitioner bears clean antecedent. The petitioner is a woman and she is in custody since 23-02-2026. 6. Upon careful perusal of the FIR, seizure list, forwarding report and other materials available on record it appears that nothing incriminating has been recovered from conscious possession of petitioner rather the recovery has been made from the house of

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petitioner where her husband and co-accused were present and they were also apprehended. The petitioner is a woman and she bears clean antecedent. She is in custody since 23-02-2026.

7. Considering the aforesaid facts and circumstances of the case and keeping in view that the petitioner is a woman, nothing incriminating has been recovered from her conscious possession, she bears clean antecedent and she is in custody since 23-02-2026, the bail application of petitioner Nisha Devi is allowed. She is directed to be released on bail on furnishing bail bond of Rs. 15,000/- with two sureties of the like amount each to the satisfaction of this court with condition that the petitioner shall not indulge in similar type of offence and shall co-operate with the investigation/trial and shall remain present before the court as and when directed, failing which the liberty granted to her shall be liable to cancelled in accordance with law. Further, one of the bailor of petitioner shall be the family member or close relative.

Sd/-

(Dipankar Pandey)
Principal Sessions Judge.

Date of Judgment/Order	20-04-2026
Date of Reserving Judgment/Order	N/A
Uploading Date	21-04-2026
Uploaded by	R.B.D. Tripathi, Steno

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