

In the Court of Sri Dipankar Pandey, Principal District & Sessions Judge, Bhagalpur, B.A. No. 265/2026, Ruby Devi Vs. The State of Bihar, order dated 20-04-2026.

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BHAGALPUR**

**Bail Application No. 265/2026**

Ruby Devi Versus State of Bihar

**Jogsar P.S. Case No. 18/2026**

Counsel for the Petitioner :- Sri Sanjay Kumar Sinha, Advocate.

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

Date of Order	Order with Signature of the Court
1	2
20-04-2026	<ol style="list-style-type: none"><li>1. This is an application for regular bail filed on behalf of the petitioner Ruby Devi for grant of bail, in connection with Jogsar P.S. Case No. 18/2026, instituted for offences u/s 8, 20(b)(II)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985. The petitioner is in custody since 20-01-2026.</li><li>2. Heard Sri Sanjay Kumar Sinha, learned counsel for the petitioner and Sri Sridhar Kumar Singh, learned Special Public Prosecutor for the State.</li><li>3. The learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. She has falsely been implicated in this case. Entire allegation against the petitioner is false and concocted. There is no independent witness of seizure list rather seizure list witnesses are police personnel which creates doubt regarding the genuineness of whole prosecution story. It was further submitted that in the present case the alleged recovery is of 510 gram of Ganja from possession of petitioner, which falls within the category of small quantity under the provisions of the NDPS Act. It was further submitted that the offence is punishable with a maximum sentence of one year and as per direction of Hon'ble Patna High Court, the same is bailable in nature. The petitioner bears clean antecedent and she is in custody since 20-01-2026. Accordingly, prayer has been made for releasing the accused-petitioner on bail.</li><li>4. The Learned Special P.P. though opposed the prayer for grant of bail to the petitioner but fairly conceded that in the present case small quantity of Ganja has been recovered from possession of petitioner.</li><li>5. Upon careful perusal of the FIR, seizure list, forwarding report and other materials available on record at this stage, it prima facie appears that the present case pertains to recovery of <b>510 grams of Ganja from possession of petitioner Ruby Devi</b>. As per the Notification issued by the Central Government under the NDPS Act, the said quantity squarely falls within the category of <b>small quantity</b>.</li><li>6. The Hon'ble Patna High Court, in <b>Criminal Miscellaneous No. 15800 of 2025</b> and</li></ol>

Contd.  
20-04-2026

**Criminal Miscellaneous No. 18113 of 2025**, decided on **10-04-2025**, has clearly laid down that where the recovery is of small quantity and the maximum punishment prescribed does not exceed one year, the accused is entitled to be released on bail as a matter of right, subject to satisfaction of bail conditions.

7. In offences involving small quantity, the stringent conditions prescribed under Section 37 of the NDPS Act are not attracted. The maximum punishment provided for such offence is imprisonment which may extend to one year or with fine or with both and therefore, the offence is bailable in nature.
8. In the light of the aforesaid legal position and considering the nature of allegations, quantity of the contraband, stage of the proceedings and the statutory framework, the accused petitioner namely Ruby Devi is directed to be released on bail, as the offence alleged is bailable. She shall be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each, to the satisfaction of this court. The petitioner shall not indulge in similar type of offence and shall co-operate with the investigation 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