

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BHAGALPUR

Bail Application No. 298/2026
Lalmatiya P.S. Case No. 19/2026

Futro Devi @ Renu Devi Versus State of Bihar

Counsel for the Petitioner : - Sri Kunal Kaushal, Advocate.
For the State : - Sri Sridhar Singh, Special Public Prosecutor.

Date of Order	Order with Signature of the Court
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16-04-2026	1. This is an application for regular bail filed on behalf of the accused- petitioner Futro Devi @ Renu Devi, in connection with Lalmatiya P.S. Case No. 19/2026, instituted for offences u/s 8(c), 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985. The petitioner is in custody since 02-03-2026. 2. Heard Sri Kunal Kaushal, learned counsel for the petitioner and Sri Sridhar Singh, learned Special Public Prosecutor for the State. 3. Prosecution case as stated in the First Information Report is that on 01-03-2026 at 17.00 hours, the informant S.I. Dipesh Kumar of Lalmatiya P.S. along with other police personnel proceeded for evening patrolling duty and in course whereof the informant received secret information that petitioner Futro Devi @ Renu Devi is keeping brown-sugar in her house and used to sell the same on which the informant informed the Senior Officer as well as Circle Officer, Nathnagar. It is alleged that when the police team reached at the house of petitioner Futro Devi @ Renu Devi, having seen the police, she tried to flee away but she was apprehended with the help of lady constable. On interrogation, the apprehended lady disclosed her name as Futro Devi @ Renu Devi. Thereafter, for the purpose of search, a notice u/s 50 of NDPS Act was served upon her and in course of search total 47 pouches in which brown-sugar like substance was kept were recovered from her house and on weighing it was found 14.20 gram brown-sugar like substance. Accordingly, the recovered brown-sugar was seized as per seizure list. The apprehended accused was formally being arrested and she was remanded to judicial custody and on the basis of written application of informant, the present case has been instituted. 4. 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

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allegation against the petitioner is false and concocted. There is no independent witness of seizure list rather the seizure list witnesses are police personnel which creates doubt regarding the genuineness of whole prosecution story. Admittedly, nothing incriminating article has been recovered from the conscious possession of petitioner rather the recovery has been made from the house which is in joint occupation of other persons. The learned counsel for the petitioner submits that one criminal case is pending against the petitioner and she is in custody since 02-03-2026.

5. On the other hand, learned Special Public Prosecutor vehemently opposed the prayer for grant of bail to the petitioner and submitted that the petitioner is named in the FIR with specific allegation that when the police apprehended the petitioner and search was made then total 14.20 gram brown-sugar was recovered from the house of petitioner. He submits that the recovered brown-sugar comes under the category of intermediate quantity. During investigation, the witnesses have supported the prosecution case as well as recovery of contraband substance from the house of petitioner. The learned Special P.P. referred para 13 of the case diary and submitted that four criminal cases out of which two cases are of NDPS Act, one case is related with Excise Act and one case is related with Section 379 IPC along with other allied sections are pending against her. The petitioner is habitual offender and the investigation of the case is still going on.
6. Perused the case record as well as case diary. It transpires that during course of investigation the I.O. has recorded the restatement of informant at para 10 of the case diary whereas at para 11 and 12 of the case diary statements of other police witnesses has been mentioned in which the witnesses have supported the prosecution case and the fact of recovery of contraband material from the house of petitioner. As per para 13 of the case diary it transpires that the petitioner bears criminal antecedent as she is accused in four criminal cases i.e. 1. Nathnagar Lalmatiya P.S. Case No. 144/2017, dated 16-05-17 u/s 30(a) Excise Act, 2. Nathnagar Lalmatiya P.S. Case No. 160/2023, dated 27-02-23 u/s 21, 22 N.D.P.S. Act, 3. Nathnagar Lalmatiya P.S. Case No. 77/2024, dated 01-10-24 u/s 21, 22 N.D.P.S. Act and 4. Nathnagar Lalmatiya P.S. Case No. 720/2023, dated 04-09-23 u/s 147, 148, 323, 379, 427, 504 & 506 I.P.C. At para 32 of the

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case the contents of supervision note has been mentioned and from perusal whereof it transpires that the case has been found true against the petitioner. The investigation of the case is still going on.

7. After having gone through the documents & the materials available on record, this court finds that the petitioner is named in the FIR with specific allegation that when the police on secret information apprehended the petitioner and search in her house was made then total 14.20 gram brown-sugar was recovered. During course of investigation, the witnesses have fully supported the prosecution case as well as recovery of contraband materials from the house of petitioner. It appears that the petitioner has not come with clean hand before the court as at para 3 of the bail petition it has been mentioned that one criminal case is pending against her but during course of investigation it has come that four criminal cases out of which two cases are of NDPS Act are pending against her (vide para 13 of the case diary). The investigation of the case is still going on. It appears that the petitioner is habitual offender.
8. Therefore, considering the nature and seriousness of allegation, the complicity of the petitioner in the alleged occurrence, its impact on the society and the fact that the investigation of the case is still going on and the petitioner bears criminal antecedent of similar nature of offence, this court is not inclined to release the petitioner on bail. Accordingly, the bail petition of the petitioner Futro Devi @ Renu Devi is hereby rejected.

Sd/-
(Dipankar Pandey)
Principal Sessions Judge.