

**In the Court of Sessions Judge/Special Judge (NDPS), Patna**

**BAIL APPLICATION No.- 401/2026**

**Reena Devi**

**Petitioner**

**Vs.**

**The State of Bihar**

**Opposite party**

**Date**

**ORDER**

**06-03-2026**

1. This regular bail application has been filed on behalf of accused-petitioner **Reena Devi** who is in judicial custody since 31.01.2026, in connection with **Fatuha P.S. Case No.65/2026** dated 30.01.2026, instituted for an offence under Sections 8, 20(B)(II)(A) of NDPS Act and section 27 of Arms Act.
2. Heard Sri Ashok Kumar, learned counsel for the accused-petitioner and Sri Ashok Kumar Sinha, learned Spl. PP on behalf of the State.
3. The prosecution case, in brief, is that on 30.01.2026 police received secret information that co-accused Shubham Kumar was hiding in the house of his relative in which ganja was also being kept. When the police reached the house, he fled away. Upon search, the police found the petitioner in the house who is the wife of one Munna Kumar Singh @ Munna Mistri and from a room, 212 grams ganja including plastic kept inside a plastic container under the cot was recovered. It is further alleged that the police also recovered one digital weighing machine, one redmi mobile phone and two empty cartridges marked '8MM KF' from the said room. It is further alleged that the petitioner had illegally kept the ganja in her house for the purpose of sale.
4. Learned counsel for the petitioner submitted that the petitioner is innocent, committed no offence and has no criminal antecedent. It was further submitted that the petitioner has falsely been implicated in this case and nothing incriminating has been recovered from the possession of the petitioner. It was next submitted that the mandatory provisions of NDPS Act

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has not been complied by the police. The petitioner is in custody since 30.01.2026. On these grounds, prayed for privilege of regular bail.

5. On the other hand, learned Special Public Prosecutor though opposes the prayer for grant of bail to the petitioner, however, is not in a position to contradict the submissions made on behalf of the petitioner.
6. Vide order dated 10.04.2025 passed in Criminal Miscellaneous No.15800 of 2025 of Hon'ble Patna High Court, it has been observed:-

*“25. As such, this Court unequivocally holds that the offence under Section 21(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985, which prescribes a punishment of imprisonment for a term not exceeding one years, is to be classified as a ‘bailable offence’. Accordingly, where the contravention under the N.D.P.S. Act involves a ‘small quantity’ of narcotic drugs or psychotropic substances, as per the relevant notification, such offences shall be treated as “bailable” in nature. In the case of bailable offence, the right of bail is a matter of statutory right and in such circumstance, there is no any discretion available either to the police or the Court itself. The accused is entitled to be released on bail automatically upon arrest, subject only to the execution and furnishing of the requisite bail bonds or sureties, as may be directed.”*

7. Considering the quantum of recovery from the possession of the petitioner, i.e. 212 grams ganja including plastic kept inside a plastic container under the cot, which falls under the category of small quantity as per the Schedule of Narcotic Drugs and Psychotropic Substances Act, 1985; order of Hon'ble Patna High Court passed vide order dated 10.04.2025 in Criminal Miscellaneous No.15800 of 2025; the alleged sections in the FIR are

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bailable in nature; nature of offence i.e. severity of punishment in the event of conviction; period undergone in custody; recovery is under small quantity; clean criminal antecedent of the petitioner; and the submissions of learned counsel for the petitioner, let the petitioner be enlarged on bail.

8. The accused-petitioner **Reena Devi** is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of this Court with condition that one of the bailors shall be close relative of the petitioner with further condition that he would co-operate in the investigation/trial of the case.

**(Dictated)**

**(Rupesh Deo)**  
**Sessions Judge/Special Judge (NDPS),**  
**Patna**

<b>Date of Judgment/Order</b>	<b>06.03.2026</b>
<b>Date of Reserving Judgment/Order</b>	<b>26.02.2026</b>
<b>Uploading Date</b>	<b>06.03.2026</b>
<b>Uploaded by</b>	<b>Abhinav/-</b>