

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22027 of 2025

Arising Out of PS. Case No.-154 Year-2020 Thana- AMAS District- Gaya

Bijendra Paswan @ Birendra Paswan S/O Raghunandan Paswan R/O Village-
Jhikatiya Khurd, P.S- Imamganj, Distt.- Gaya. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Manoj, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-07-2025 Heard Mr.Manoj Kumar Manoj, learned counsel for

the petitioner and Mr.Narsingh Tanti, learned A.P.P. for the

State.

2. The petitioner is apprehending his arrest in
connection with Amas P.S. Case No. 154 of 2020, F.I.R. dated
03.08.2020 registered for the offence punishable under Section
15(C) of N.D.P.S. Act.

3. Recovery is of 191 kilogram of Doda.

4. Learned counsel for the petitioners submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. Learned counsel for the petitioner
submits that the petitioner is not named in the FIR. The name of
the petitioner has been transpired during investigation on the
basis of the confessional statement of co-accused person,
namely, Ajit Kumar which was recorded in Imamganj P.S.Case
No. 168/2020. Learned counsel for the petitioner submits that



the petitioner has no knowledge that he is accused in the present case and he came to know about the present case in the year 2024 when the police came at the house of the petitioner and petitioner is neither the owner nor the driver of the vehicle in question and petitioner has no concern at all with the alleged recovery of contraband or the co-accused person and as per judgment of Hon'ble Supreme Court in the case **Tofan Singh Vs.State of Tamilnadu**, reported in **2021 (4) SCC 1**, the confessional statement is no evidentiary value in the NDPS matter.

5. Learned APP for the State, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that 191 kilogram of Doda was recovered from the Pick-up-Van and the recovered contraband is more than the commercial quantity so there is embargo under Section 37 of the NDPS Act to grant privilege of anticipatory bail to the petitioner.

6. The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic is alleged is circumscribed under Narcotic Drugs and Psychotropic Substances Act, 1985, Section 37 which says that before grant of anticipatory bail, the



Court must have reason to believe that the petitioner has not committed the offence and in the event of release he would not commit similar offence.

7. The issue was considered by the Hon'ble Supreme Court in the case of **State of Kerala and Ors Vs. Rajesh & Ors**, reported in **2020(12) SCC 122** as well as in the case of **Narcotic Control Bureau Vs. Mohit Aggarwal** reported in **AIR 2022 SC 3444** and recently decided the judgment in the case of **Union of India Vs. Ajay Kumar Singh @ Pappu**, reported in **2023 SCC OnLine SC 346**.

8. The recovery of huge quantity of Doda would not justify that the petitioner had no knowledge of the narcotic nor there is any material to substantiate that the petitioner would not commit such offence in the event of release.

9. Hence, I am not inclined to grant privilege of anticipatory bail to the petitioner in connection with Amas P.S. Case No. 154 of 2020 pending in the court of learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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