

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31165 of 2025**

Arising Out of PS. Case No.-82 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Rahul Kumar @ Babuwa Don S/o Lakhindra Ray R/o Village- Bhawani Dih,  
P.S.- Motipur, District- Muzaffarpur, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      27-06-2025                      Heard Mr. Nachiketa Jha, learned counsel for the  
  
petitioner and Mr. Navin Kumar Pandey, learned Additional  
  
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
30.05.2023 in connection with N.D.P.S. Case No. 75 of 2022  
arising out of Motipur P.S. Case No. 82 of 2022 , F.I.R. dated  
02.03.2022 for the offences punishable under Sections 25(1-  
b)a/26/35 of the Arms Act and Sections 8/20/22 of the  
N.D.P.S. Act.

3. Prosecution case relates to recovery of two  
country made pistol along with two live cartridges and 1 kg  
charas like substance from two apprehended co-accused  
persons, namely, Rahul Kumar and Gunjesh Kumar Pandey.

4. Earlier the bail petition of the petitioner was rejected vide order dated 05.07.2024 passed in Cr. Misc. NO. 27091 of 2024. Thereafter the petitioner had again approached this Court in Cr. Misc. No. 15938 of 2025 and the same was dismissed as withdrawn vide order dated 05.03.2025.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case and he is in custody since 03.03.2022 and the trial has not been progressed as yet.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR as well as seizure list that altogether 1 kg of opium (charas) has been recovered and apart from that, one loaded country made pistol and one live cartridge also recovered from possession of the petitioner and the recovered contraband is more than the commercial quantity. He further submits that the petitioner carries three more cases other than the present one.

7. The grant of bail in N.D.P.S. cases where the recovery of commercial quantity of narcotics is alleged is circumscribed under Narcotic Drugs and Psychotropic Substances Act, 1985, Section 37 which says that before grant

of 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.

8. The issue was considered by the learned Supreme Court in case of **State of Kerala and Ors. vs. Rajesh and Ors. reported in 2020 (12) SCC page 122** as well as in the case of **Narcotics Control Bureau vs. Mohit Agrawal, reported in AIR 2022 SC Page 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**.

9. The recovery of huge quantity of opium (charas) from possession of the petitioner would not justify that the petitioner had no knowledge of the Narcotics nor there is any material to substantiate that the petitioner would not commit such offence in the event of release.

10. Hence, I am not inclined to enlarge the petitioner on bail in connection with N.D.P.S. Case No. 75 of 2022 arising out of Motipur P.S. Case No. 82 of 2022 pending in the court of learned Exclusive Special Judge Court-II (N.D.P.S), Muzaffarpur.

11. Prayer is refused.

12. However, learned Trial Court is directed to

expedite the trial and conclude the same at the earliest.

**(Rajesh Kumar Verma, J)**

Raj Ranjan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|