

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38105 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- SUHAIL District- Gaya

Suresh Saw S/O Shivshankar Saw Resident of Village- Manjhauli, P.O-
Salaiya, P.S- Soihal, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Namrata Mishra, Sr.Advocate
	:	Ms.Archana Jha, Advocate
For the Opposite Party/s	:	Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-06-2025 Heard Ms. Namrata Mishra, learned senior counsel

 appearing for the petitioner and Mr.Suresh Prasad Singh,

 learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Sohail P.S.Case No.08 of 2025,FIR dated
31.01.2025 registered for the offences punishable under
Sections 8,15(c),18,25 and 29 of N.D.P.S. Act.

3. Recovery is of 211.800 kilograms of Doda.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. The allegation as alleged in the
FIR is false and fabricated and the petitioner has not committed
any offence as alleged in the FIR. It appears from the FIR that



nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the vehicle in question.

5. Learned APP for the State, on the other hand, on the basis of the material available on the record, has vehemently opposed the prayer for bail of the petitioner and submits that altogether 211.800 kilograms of Doda has been recovered from the vehicle in question and the petitioner is owner of the vehicle in question and it appears from the FIR that huge quantity of Doda was recovered 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 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 from possession of the petitioner 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. Considering the aforesaid facts and nature of allegation against the petitioner, I am not inclined to grant privilege of anticipatory bail to the petitioner in connection with Sohail P.S.Case No.08 of 2025 pending in the court of learned Sessions Judge-I-cum-Special Judge, N.D.P.S. Act, Gaya.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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