

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4631 of 2026

Arising Out of PS. Case No.-86 Year-2025 Thana- Ratanpur District- Begusarai

Rakesh Gautam S/o Ravindra Singh R/o vill- Ratanpur, Ward No 21, P.S-
Ratanpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-04-2026 Heard Mr.Anuj Kumar, learned counsel for the

petitioner and Mr.Ajay Kumar No. 2, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
12.10.2025 in connection with Ratanpur P.S. Case No. 86 of
2025, F.I.R. dated 12.10.2025 registered for the offence
punishable under Section 111 of BNS, 2023 and Sections
8(c),21(c),22(c),18(c),29 of N.D.P.S.Act.

3. Recovery is of 318.58 Gms of Smack.

4. Learned counsel for the petitioners submits that the
allegation as alleged in the FIR is false and fabricated and the
petitioner has not committed any offence as alleged in the FIR.
Further submits that it appears from the FIR that nothing has
been recovered from conscious possession of the petitioner



rather the recovery has been made from the Scooty in question and petitioner is not the owner of the Scooty in question.

5. Learned APP for the State, on the other hand, 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 altogether 318.58 Gms of Smack was recovered and the recovered contraband is more than the commercial quantity, apart from that, the petitioner carries six more cases other than the present one, as mentioned in para-3 of the bail petition.

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 Smack 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with Ratanpur P.S. Case No. 86 of 2025, pending in the court of learned Principal Sessions Judge, Begusarai.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

