

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11017 of 2026

Arising Out of PS. Case No.-646 Year-2022 Thana- FORBESGANJ District- Araria

Shyam Sundar Kumar @ Shyam Kumar @ Nitish Kumar @ Pauwa S/o-
Triveni Yadav R/V- Koriyapatti ward no 12 PS-Jadia Dist-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-04-2026 Heard Mr. Prafull Chandra Thakur, learned counsel
for the petitioner and learned Mr. Bhanu Pratap Singh, learned
A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
25.06.2022 in connection with Forbesganj P.S. Case No. 646 of
2022, FIR dated 24.06.2022 registered for the offence under
Sections 8/20(b)(ii)(c) of the NDPS Act and 25(1-b)A/26/35 of
Arms Act.

3. Recovery is of 30 kg of *Ganja* and 2 live cartridges.

4. Earlier the bail application of the petitioner was
rejected thrice vide order dated 06.10.2023 in Cr. Misc. No.
19429 of 2023, vide order dated 05.07.2024 in Cr. Misc. No.
33645 of 2024, vide order dated 02.07.2025 in Cr. Misc. No.
37919 of 2025 and withdrawn once vide order dated 11.04.2025



in Cr. Misc. No. 22947 of 2025.

5. Learned counsel for the petitioner submits that the petitioner is innocent 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 car in question and there is non-compliance of Section 50 of NDPS Act and trial is not in progress and similarly situated co-accused persons, namely, Pintu Kumar, Vivek Kumar @ Vikash @ Vikash Kumar and Amit Kumar have been granted the privilege of bail by this Court vide order dated 20.06.2023, 02.08.2024 in Cr. Misc. No. 73197 of 2022, Cr. Misc.No. 60242 of 2022 and Cr. Misc. No. 36371 of 2024.

6. Vide order dated 25.02.2026 a report was called with regard to stage of the trial. Report of the learned Trial Court dated 28.02.2026 reveals that there are eight charge sheet witness and all of them have been examined and record is fixed on 16.03.2026 for production of seized material for exhibit.

7. 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 30 kilograms of Ganja has been recovered from the car in question boarded by the accused persons including the petitioner and it appears from the FIR that huge quantity of Ganja was recovered so there is embargo under Section 37 of the NDPS Act to grant privilege of bail to the petitioner.

8. 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.

9. 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**.

10. The recovery of huge quantity of Ganja from the car in question boarded by the accused persons including the



petitioner which 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.

11. Considering the aforesaid facts and nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Forbesganj P.S. Case No. 646 of 2022, pending in the court of learned Additional Sessions Judge-1st-cum-Special Judge, Araria.

12. Prayer is refused.

13. However the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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