

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6187 of 2026

Arising Out of PS. Case No.-41 Year-2025 Thana- RAJEPUR District- East Champaran

Akhilesh Kumar @ Akhilesh Rai @ Akhileshwar Rai Son of Tilahi Ray R/O
village - Semrahan, P.S.- Rajepur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Usha Kumari, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-04-2026 Heard Ms.Usha Kumari, learned counsel for the

petitioner and Mr.Khurshid Anwar, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
21.08.2025 in connection with Rajepur P.S.Case No. 41 of
2025, N.D.P.S., G.R. No. 39 of 2025, F.I.R. dated 10.03.2025
registered for the offence punishable under Sections 8, 20(b)
(ii)(c),21(b) 22,25 of N.D.P.S. Act.

3. Recovery is of 109.38 Kg of Ganja.

4. Learned counsel for the petitioners submits that
the petitioners have clean antecedent. The allegation as
alleged in the FIR is false and fabricated and the petitioner has
not committed any offence as alleged in the FIR. Although the



recovery has been made from the newly constructed house of the petitioner but the petitioner is not the exclusive owner of the house in question rather the house is joint family property of the petitioner, apart from that, 41.69 Kg of Ganja was recovered from the field of the petitioner, 48.6 Kg of Ganja was recovered from the newly constructed house of the petitioner and 19.09 Kg of Ganja was recovered from the vehicle in question. Petitioner is not the owner of the vehicle in question, apart from the aforesaid, there is non-compliance of mandatory provisions of the NDPS Act.

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 altogether 109.38 Kg of Ganja was recovered from different places and petitioner is owner of the filed as well as the house in question and the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the NDPS Act to enlarge the petitioner on bail, apart from the aforesaid, from a bare perusal of the FIR it appears that there is compliance of the mandatory provisions of the NDPS Act.

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 Ganja 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 the recovered contraband is more than the commercial quantity, I am not inclined to enlarge the petitioner on bail in connection with Rajepur P.S. Case No. 41 of 2025, N.D.P.S., G.R. No. 39 of



2025, pending in the court of learned Sessions Judge/ Special
Judge, Motihari, East Champaran.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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

