

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6095 of 2026

Arising Out of PS. Case No.-101 Year-2025 Thana- LAUKAHA District- Madhubani

Krishna Kumar Thakur Son of Sukhdev Thakur @ Sukhdev Hazam Resident of village - Baniyadih, P.S.- Mufasil, District - Giridih (Jharkhand) but in order Impugned wrongly Jhanjarpur has been mentioned

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 11.07.2025 in connection with Laukaha P.S. Case No. 101 of 2025 for the offences punishable under Sections 8,20(b)(ii)(c) and 22 of NDPS Act.

3. The prosecution story, in brief, is that on 10.07.2025 at about 16:30 hours informant along with Police personnel were proceeded for the evening patrolling duty. In the village Majhaura on NH 227 when they were checking the vehicles at around 18:30 hrs, a white colored four-wheeler bearing Reg No. UP17AT5805 was intercepted and two persons were found seating on the said vehicle. Thereafter, search was made and



one sack was recovered from the *dikki*. On being asked both the apprehended accused persons disclosed their name as Krishna Kumar thakur(driver) and Ramnath Chaupal. On opening from all four sacks, a substance like ganja was found. The packets were weighed on an electronic weighing machine belonging to a nearby shopkeeper Ramesh Kumar Sah and the total weight of the recovered ganja was found to be 44.6 kgs. Accordingly, seizure list has been prepared and provided to the accused.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It is next submitted that it appears from the FIR and seizure list that recovery has been made from the vehicle in question and petitioner was apprehended along with co-accused persons and there is non-compliance of mandatory provisions of Section 50 of NDPS Act and Section 103 of BNSS, 2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the FIR and seizure list, altogether 44.6 kgs of contraband ganja was recovered from vehicle and petitioner was apprehended along with the co-accused persons from the vehicle in question and



FSL report also confirmed the recovered contraband ganja and recovered quantity is more than the commercial quantity.

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 Substance Act, 1985, Section 37 which says that before grant of bail, the Court must have reason to believe that petitioners have 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 and 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 **Union of India vs. Ajay Kumar Singh @ Pappu** reported in **2023 SCC OnLine SC 3456** dated 28.03.2023.

8. The recovery of huge quantity of contraband recovered 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 Laukaha P.S. Case No. 101 of 2025
pending in the Court of learned District and Sessions Judge cum
Special Judge (NDPS Act), Madhubani.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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