

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12390 of 2026

Arising Out of PS. Case No.-48 Year-2024 Thana- Basmatia District- Araria

Mokhtar Alam S/o- Firoj Ansari Resident of Basmatiya W.No-5, PS-
Basmatiya District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 30-04-2026 Heard Mr.Praveen Kumar Agrawal, learned counsel
for the petitioner and Ms.Dr. Indihar Kumari, learned A.P.P. for
the State, who has appeared through virtual mode.

2. The petitioner seeks bail, who is in custody since
01.11.2025 in connection with Basmatiya P.S. Case No. 48 of
2024, F.I.R. dated 20.11.2024 registered for the offence
punishable under Sections 8/20(b)(ii)c of N.D.P.S. Act.

3. Recovery is of 62 Kg of Ganja.

4. Learned counsel for the petitioner 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.
Although altogether 62 Kg of Ganja was recovered from the
place of occurrence but the petitioner has no concern at all with
the alleged recovery of contraband.

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 62 Kg of contraband (Ganja) was recovered from the place of occurrence (house of the petitioner) and apart from that, the F.S.L. report also confirms that the recovered contraband is Ganja and recovery is from the house of 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 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, recovered contraband is more than the commercial quantity, apart from the aforesaid, the FSL report also confirms that the recovered contraband is Ganja, I am not inclined to enlarge the petitioner on bail in connection with Basmatiya P.S. Case No. 48 of 2024, pending in the court of learned Sessions Judge-cum-Special Judge, NDPS Act, Araria.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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