

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9651 of 2026

Arising Out of PS. Case No.-47 Year-2025 Thana- KURSAKANTA District- Araria

Sanjay Yadav Son of Late Harish Chandra Yadav R/o Village - Laxmipur,
ward no. 01, P.O. - Haldahara Halt, P.S. - kursakanta, District - Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Advocate Mr. Manu Tripurari, Advocate Mr. Raghau Raj Pratap, Advocate
For the Opposite Party/s :		Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-04-2026 Heard Mr. Apurv Harsh, learned counsel for the
petitioner and Mr. Ram Sumiran Rai, learned APP for the State.

2. Petitioner seeks bail who is in custody since
26.05.2025 in connection with Kursakanta P.S. Case No. 47 of
2025 for the offences punishable under Sections 8, 20(B) (ii) (c)
of the N.D.P.S. Act, 1985.

3. Recovery is of 289 kg of Ganja.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent 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. He further submits that it
appears from the FIR that altogether 289 kg of Ganja has been



recovered from the house of the petitioner. He further submits that there is non-compliance of Section 42 and 50 of the NDPS Act.

5. Learned Additional Public Prosecutor on the basis of material available on record, case diary as well as F.S.L report has vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is Ganja which is seven times more than the commercial quantity and the same is also confirmed by the F.S.L. report that the recovered contraband is Ganja, so there is embargo under Section 37 of the N.D.P.S. 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 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 Ganja 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 Kursakanta P.S. Case No. 47 of 2025 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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