

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10404 of 2026

Arising Out of PS. Case No.-322 Year-2024 Thana- RAMGARHWA District- East
Champaran

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Md. Khalis @ Md. Khalis Miya @ Khalis Miya Son of Late Sainullah Miya
@ Sanaullah Miyan R/o Vilage - Charwa, P.S. - Ramgarhwa, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-04-2026 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioner and Mr. Kalyan Shankar, learned APP for the

State.

2. Petitioner seeks bail who is in custody since

08.10.2025 in connection with NDPS Case No. 120 of 2024

arising out of Ramgharwa P.S. Case No. 322 of 2024 for the

offences punishable under Sections 8(c), 20(b)(ii)(C), 22 of the

N.D.P.S. Act.

3. The case relates to recovery of 203.800 Kgs. of

Ganja.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and he has falsely been implicated in the

present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person, namely, Munaf Miya @ Monaf Miya. Learned counsel for the petitioner further submits that from perusal of the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the possession of the petitioner and except the confession of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and co-accused who has confessed the name of the petitioner has been granted bail by a Coordinate Bench of this Court vide order dated 24.02.2026 passed in Cr. Misc. No. 4376 of 2026 and the petitioner is in custody since 08.10.2025.

5. Learned Additional Public Prosecutor, on the other hand, on the basis of material available on record and case diary, vehemently opposed the prayer for bail of the petitioner and submits that altogether 203 Kgs. 800 grams of *ganja* was recovered from the bus in question and co-accused who has confessed the name of the petitioner has participated the crime in question and the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the N.D.P.S. Act and apart from aforesaid the petitioner carries



one more case of similar nature other than the present one.

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 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 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 N.D.P.S. Case No. 120 of 2024



arising out of Ramgharwa P.S. Case No. 322 of 2024, pending
in the Court of learned Sessions Judge/Special Judge, Motihari,
East Champaran.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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