

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11495 of 2026

Arising Out of PS. Case No.-174 Year-2025 Thana- SIKTA District- West Champaran

Manoj Kumar @ Manoj Ram Son of Chandradev Ram Resident of Village -
Haripur, Dharmpur, Ps- Sikta, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate Mr. Satyam Kumar Ojha, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2026 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr. Ashok Kumar Singh, learned APP for
the State.

2. Petitioner seeks bail who is in custody since
02.12.2025 in connection with Sikta P.S. Case No. 174 of 2025
for the offences punishable under Sections 22(c) and 29 of the
N.D.P.S. Act, 1985.

3. Recovery is of 13,500 of TROHMA-50 mg
capsules.

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 there is non-compliance of mandatory provision of Section 42 and 50 of the NDPS Act.

5. Learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the FIR that altogether 13,500 capsules of TROHMA-50 mg has been recovered from the possession of the petitioner. He further submits that there is compliance of mandatory provision of Sections 42 and 50 of the NDPS. Apart from that the F.S.L. report also confirms that the recovered contraband is more than the commercial quantity, 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 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. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Sikta P.S. Case No. 174 of 2025 pending in the Court of learned Exclusive Special Judge, NDPS, Bettiah, West Champaran.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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