

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15248 of 2026

Arising Out of PS. Case No.-1 Year-2025 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Vivek Kumar S/o- Satendra Kumar Jha @ Satyendra Kumar Jha Resident of
Sarvoday Nagar Ward No- 40 PS- Town District-Begusarai

... .. Petitioner/s

Versus

The Union of India through Narcotics Control Bureau, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Union of India (NCB)	:	Mr. Manoj Kumar Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2026 Heard Mr. Shashank Shekhar, learned counsel for

the petitioner and Mr. Manoj Kumar Singh, learned CGC for the

Union of India (NCB).

2. Petitioner seeks bail who is in custody since
12.02.2025 in connection with N.C.B. (Government Official)
Case No. 01 of 2025, corresponding to NDPS Case No. 16 of
2025 (CNR No. BRSU010068882025) for the offences
punishable under Sections 8 (c)/ 20(b)(ii)(C)/25/27A/29 of the
N.D.P.S. Act.

3. The case relates to recovery of 1900 Kgs. of
Ganja.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner is not the owner of the house in question and the recovery has been made from the house of Ranjeet Mehta. Although the petitioner was present at the time of raiding and in presence of the petitioner and other co-accused persons altogether 1900 Kgs. of *Ganja* was recovered from the place of occurrence and thereafter the statement of the petitioner was recorded under Section 67 of the NDPS Act and petitioner has confessed his guilt in the present occurrence.

5. Mr. Manoj Kumar Singh, learned counsel for the Union of India (NCB), on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is recovery of huge quantity of contraband which is of commercial quantity and the petitioner was apprehended along with other co-accused person and apart from aforesaid, the alleged sample was sent for testing by Kolkata laboratory and the same was confirmed 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 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.C.B. (Government Official) Case No. 01 of 2025, corresponding to NDPS Case No. 16 of 2025 (CNR No. BRSU010068882025), pending in the Court of Sri



Sunil Kumar III, learned Additional Sessions Judge-V cum Spl.
Judge NDPS, Supaul.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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