

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14958 of 2026

Arising Out of PS. Case No.-527 Year-2025 Thana- CHIRAIYA District- East Champaran

Chandrika Kumari W/o- Dvendra Thakur R/o village- Parsa P.S.-Malamba
Dist- Salah @ Sarlahi Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2026 Heard Mr. Dhannjay Kumar II, learned counsel for
the petitioner and Mr. Manoj Kumar, learned APP for the State.

2. Petitioner seeks bail who is in custody since
02.12.2025 in connection with N.D.P.S G.R. Case No. 169 of
2025 arising out of Chiraiya P.S. Case No. 527 of 2025 for the
offences punishable under Sections 8 and 20(B) (ii)C of the
N.D.P.S. Act, 1985.

3. Recovery is of 3.542 kg of Charas.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and she 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 there is non-compliance of Section 42



and 50 of the NDPS Act.

5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits that altogether 3.542 kg of *Charas* has been recovered from the conscious possession of the petitioner. He further submits 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 she 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with N.D.P.S G.R. Case No. 169 of 2025 arising out of Chiraiya P.S. Case No. 527 of 2025 pending in the Court of learned Sessions Judge cum Special Judge, East Champaran.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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