

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14226 of 2026

Arising Out of PS. Case No.-17 Year-2018 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Jai Bhagwan Prasad @ Bhagwan Babu S/o Satya Narayan Singh R/o Village -
Maujipur, Fatuha, P.S. - Nadi, District - Patna

... .. Petitioner/s

Versus

The Union of India through Narcotic Control Bureau, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Shankar, Advocate
	:	Mr. Deepak Kumar, Advocate
For the Opposite Party/s	:	Dr. K.N. Singh (Asg)
For the UOI	:	Ms. Shail Kumari, CGC

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-06-2026 Heard Mr. Shashank Shankar, learned counsel for the

petitioner and Ms. Shail Kumari learned CGC for the Union of

India.

2. Petitioner seeks bail who is in custody since
30.10.2025 in connection with Special (NDPS Act) Case No.
26(A) of 2018 arising out of NCB/PZU/V/17/2018 for the
offences punishable under Sections 20(b)(ii)(c) of NDPS Act.

3. That the prosecution case, in short is that one Rahul
Kumar Purbey, Intelligence Officer, NCB, Patna Zonal Unit,
gave a complaint petition before learned Sessions Judge, Patna
that he is said to have received a secret information that a truck
bearing Reg. No.- NL-01K-6955 will reach near Indian Oil
Petrol Pump, Bihpur, Bhagalpur between 02:00-03:00 hours on



29.03.2018 carrying huge quantity of Gaanja. After completing formalities, raiding team was constituted and they reached near by Indian Oil Petrol Pump, Bihpur, District - Bhagalpur at about 02:30 hours on 29.03.2018 and found the aforesaid Truck standing near by petrol pump. It is said that NCB team found 3 persons in the said truck who disclose their names as Viplab Das Gupta, Aashish Rai and Pradip Jadab and further disclose that the truck is loaded coal which would be unloaded at Raja Bhatta, opposite of Shanti Niketan Girl School, Maujipur, Fatuna and they requested to search once the coal would be unloaded from the truck. Thereafter the aforesaid truck along with NCB team reached Nadi police station and two independent witnesses were requested to remain present in course of search. Thereafter, all reached at Raja Bhatta where Pradip Jadab talked with Nasib Lal Rai, Bhatta staff regarding unloading the coal who in turn talk with owner of the Raja Bhatta over telephone regarding coal and thereafter Nasib Lal Rai refuse to get the coal unloaded. Then the whole team returned back at Nadi police station where in the complainant issued notice under Section-50 of the NDPS Act to all the three accused persons who were on the truck for conducting search on which they opted to be search before NCB Team.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the basis of confessional statement of co-accused person, namely, Viprab Das Gupta and Pradip Jadab which was recorded under Section 67 of the NDPS Act. Learned counsel for the petitioner next submits that except the aforesaid nothing has come during the investigation to suggest the involvement of the petitioner with the present occurrence and no case is made out under the NDPS Act.

5. Learned counsel for the Union of India, on the other hand, on the basis of materials available on record and case diary as well as counter-affidavit has vehemently opposed the prayer for bail of the petitioner and submits that NCB has issued three notices under Section 37 of the NDPS Act to the petitioner, who is owner of the Raja Bhatta on 18.05.2018, 08.06.2018 and 17.08.2018 respectively but each time the notice got returned with remark "recipient refused to take". Apart from aforesaid, under Sections 82 and 83 of the Cr.P.C., process has been issued against the petitioner who had neither appeared before the Hon'ble Court nor before the Investigating Agency for examination. Apart from aforesaid, the total recovery of contraband ganja was 1115 kgs from the truck in question and



the recovery was made in the Raja Bhatta and petitioner is the owner of the Raja Bhatta and recovered contraband is more than the commercial quantity so there is embargo of Section 37 of the NDPS Act to enlarge the petitioner on bail. Apart from that the regular bail petition of the co-accused person, namely, Pradeep Yadav has been rejected vide order dated 27.04.2022 passed in Cr. Misc. No. 76232 of 2019 by this Court.

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. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Special (NDPS Act) Case No. 26(A) of 2018 arising out of NCB/PZU/V/17/2018 pending in the court of learned Exclusive Special Judge (NDPS Act), Court No. 1, Patna.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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