

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14765 of 2026

Arising Out of PS. Case No.-174 Year-2025 Thana- INDUSTRIAL AREA District- Vaishali

Ratnesh Kumar @ Mulla Son of Late Devendra Paswan Resident of Village -
Badi Yusufpur, Police Station - Industrial Area, Dist. - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Sweety Sinha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 15.01.2026 in connection with Industrial Area P.S. Case No. 174 of 2025 for the offences punishable under Sections 317(5) and 3(5) of BNS and Sections 20,22 and 8(C) of the NDPS Act.

3. The prosecution story, in brief, is that on 25.11.2025 informant along with police team proceeded for patrolling and reached near Chaurasiya Chowk where he received information that in village Badi Yusufpur near Dalan of Suryadev Choudhary, 3-4 persons were sitting in suspicious condition and they were planning to sale the stolen ornaments and Narcotic substance. It is further stated that when the police team reached on the said place, on seeing the police vehicle 2-3 persons fled



way but one person was apprehended with the help of police force. It is further stated that on interrogation the apprehended person disclosed his name as Ratnesh Kumar (Mulla). Thereafter on search, one golden bracelet, golden chain, golden locket, golden rings of finger, golden nose pin, mobile of Apple and 275.72 grams Narcotic substance 'Kota' (smack) were recovered.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that altogether 275.72 grams of kota smack was recovered from the possession of the petitioner and co-accused persons and recovered contraband is more than commercial quantity and apart from that regular bail of co-accused person, namely, Kanhaiya Kumar has been rejected vide order dated 17.03.2026 passed in Cr. Misc. No. 16783 of 2026 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 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 facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Industrial Area P.S. Case No. 174 of 2025 pending in the court of learned Sessions-cum-Special Judge



NDPS Act (present Sessions Judge), Vaishali at Hajipur.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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