

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26412 of 2026

Arising Out of PS. Case No.-317 Year-2025 Thana- HARLAKHI District- Madhubani

1. Rajesh Kumar Das Son of Chetak Das Resident of Village- Pipraun, P.S.- Harlakhi, and District- Madhubani
2. Sachin Kumar Das Son of Chandar Das Resident of Village- Pipraun, P.S.- Harlakhi, and District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Soban Asghar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2026 Heard Mr. Md Soban Asghar, learned counsel for the
petitioners and Mr. Ram Naresh Ray, learned APP for the State.

2. Petitioners seeks bail who are in custody since
15.11.2025 in connection with Harlakhi Case No. 317/2025 for
the offences punishable under Sections 20 and 22 of the
N.D.P.S. Act,

3. Recovery is of 52.200 kg of Ganja.

4. Learned counsel for the petitioners submits that
petitioners are innocent and they have falsely been implicated in
the present case. It appears from the F.I.R. that the allegation
against the petitioners are false and fabricated and the
petitioners have not committed any offence as alleged in the



FIR. He further submits that there is non-compliance of Sections 42 and 50 of the NDPS Act.

5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matter. Learned counsel submits that it appears from the FIR as well as seizure list that altogether 52.200 kg of Ganja has been recovered from the possession of the petitioners and 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 Ganja recovered would not justify that the petitioners had no knowledge of the narcotic nor there is any material to substantiate that the petitioners would not commit such offence in the event of release.

9. Considering the fact that the recovered contraband is more than the commercial quantity, I am not inclined to enlarge the petitioners on bail in connection with Harlakhi Case No. 317/2025 pending in the Court of learned Court of Principal Session Judge, Madhubani.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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