

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22787 of 2026

Arising Out of PS. Case No.-280 Year-2010 Thana- MAJHAULIA District- West Champaran

Raj Kumar Thakur @ Rajkumar Thakur S/o Late Ramashray Thakur @ Bidur Thakur R/o vill- Present address- Gaura Ward No. 11, Tola Vishunpur, P.S.- Tegra, District- Begusarai .Permanent address as per FIR- R/O- village-Pipra, P.O- Dumri, P.S- Begusarai Town, Dist-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-04-2026 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr. Navin Kumar Pandey, learned APP
for the State.

2. Petitioner seeks bail who is in custody since 11.12.2025 in connection with Majhauiliya Case No. 280 of 2010 for the offences punishable under Sections 279 and 427 of the IPC and Sections 20 and 22 of the N.D.P.S. Act, 1985.

3. Recovery is of 240 kg of *Ganja*.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as



alleged in the FIR. In fact, the petitioner was not apprehended from the place of occurrence and he has been made accused merely on the ground that he is the owner of the vehicle in question.

5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits that it appears from the FIR as well as seizure list that altogether 240 kg of *Ganja* has been recovered from the vehicle in question and petitioner has filed a complaint before the police with regard to the said vehicle that his vehicle was looted on 02.10.2010 but the police disbelieve him and submitted final form which suggest that the petitioner has filed a false case of theft of his vehicle. 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. He further submits that the petitioner was absconding since 2010 and in 2025 he moved before the learned Court below for grant of anticipatory bail but the same was refused and thereafter the petitioner has moved before this Court for the grant of anticipatory bail in Cr. Misc. No. 75129 of 2025 and the same was rejected vide order dated 19.11.2025.

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 aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Majhauilya Case No. 280 of 2010 pending in the Court of learned Exclusive Special Judge NDPS, Bettiah,



West Champaran.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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