

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20319 of 2026

Arising Out of PS. Case No.-191 Year-2025 Thana- FULKAHA District- Araria

Ritesh Kumar S/o- Kapildev Paswan R/v- Madhura Uttar, W.No-1, Ps-
Fulkaha Dist- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-03-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.12.2025 in connection with Fulkaha P.S. Case No. 191 of
2025 for the offences punishable under Sections 8(c)/21(c) of
the NDPS Act.

3. The prosecution story, in brief, is that the informant
gave written application to the S.H.O. Fulkaha Police Station
alleging therein that on 23.12.2025 at about 20:45 hrs, he
received information that the petitioner was involved in the sale
and smuggling of narcotic substance from his house. Based on
this information, a team was constituted. The raiding team
reached the house of the petitioner. During the search of the
house of the petitioner, a substance resembling "Brown Sugar"



and Rs. 10,590/- were recovered. Upon inquiry about the "Brown Sugar" the petitioner stated that he buys it from one Nasim whose mobile number is 9798017741. The petitioner further disclosed that some "Brown Sugar" was also kept in his Bajaj Pulsar motorcycle. Thereafter the informant searched the motorcycle a substance resembling "Brown Sugar" was recovered. Upon weighing the "Brown Sugar" recovered from the spot was found to be 300 gram, and accordingly the seizure list was prepared.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he 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. It is next submitted that from bare perusal of the FIR it appears that altogether 300 gms of Brown Sugar and Rs.10,590/- was recovered from the possession of the petitioner. It is next submitted that there is non-compliance of mandatory provisions of Section 50 of NDPS Act and Sections 103 and 105 of BNSS, 2023.

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 the recovered contraband is more than commercial quantity.

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. Hence, I am not inclined to enlarge the petitioner



on bail in connection with Fulkaha P.S. Case No. 191 of 2025
pending in the Court of learned Sessions Judge cum Special
Judge (NDPS Act), Araria.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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