

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22415 of 2026

Arising Out of PS. Case No.-501 Year-2025 Thana- PHULPARAS District- Madhubani

1. Md. Farukh Md. Maniuddin @ Md. Mustakim Resident of Village - Siswar, P.S.- Phulparas, District - Madhubani.
2. Md. Shahrukh Son of Md. Mainuddin @ Md. Mustakim Resident of Village - Siswar, P.S.- Phulparas, District - Madhubani.

... .. petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s	:	Mr. Pranav Kumar, Advocate
		Mr. Rajeev Ranjan No.-II, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2026 Heard Mr. Pranav Kumar, learned counsel for the petitioners and Mr. Raj Ballabh Singh, learned APP for the State.

2. Petitioners seeks bail who are in custody since 11.12.2025 in connection with Phulparas Case No. 501 of 2025 for the offences punishable under Sections 8, 20(B) (ii) C/25/29 of the N.D.P.S. Act, 1985.

3. Recovery is of 29 kg of *Ganja*.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. 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 and submits that it appears from the FIR as well as seizure list that altogether 29 kg of *Ganja* has been recovered from the house 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 Phulparas P.S. Case No. 501 of 2025 pending in the Court of learned Principal Sessions Judge, Madhubani.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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