

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24336 of 2026

Arising Out of PS. Case No.-304 Year-2025 Thana- BANJARIA District- East Champaran

Jiut Kumar Son of Late Patiram Sahni Resident of village- Nayka tola,
Jhakhiya Pipar Ps- Banjariya, Dist- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prashant Raj

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 04.06.2025 in connection with Banjariya P.S. Case No. 304 of 2025 for the offences punishable under Sections 8,20(B)(ii)(c), 23(c), 25 and 29 of NDPS Act.

3. The prosecution case, in brief, is that on 02.06.2025 at about 05:30 P.M. during the course of patrolling duty, informant received a secret information that a truck having its registration no.MH-46 BF-5034 loaded with Ganja is going towards Sugauli from Motihari. He had informed said information to Superior Officer, then the informant along with police party and Rohan Singh, Circle Office, who was deputed as Magistrate reached at the N.H.-28 and started checking.



During that course, a truck having its registration no. MH-46 BF-5034 was seen coming, which was intercepted by the police party. On interrogation, driver of said truck disclosed his name as Ruplal Sahani and Khalashi of said truck disclosed his name as Jiut Kumar (present petitioner). On query, both the apprehended persons disclosed that there is Ganja kept in the truck. Thereafter, in presence of witnesses and Magistrate, search was conducted and on search total 125.797 Kg Ganja in 12 packets were recovered from the cabin of said truck. On query, co-accused Ruplal Sahani disclosed that Ganja was provided to him by the mobile number holder of mobile no. 6204470542 and he was only directed by said mobile number holder to park the said truck at Chhapwa Chowk, Sugauli.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and is innocent 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. Learned counsel for the petitioner further submits that it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner and recovery has been made from the vehicle in



question and petitioner has been falsely implicated in the present case.

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 it appears from the FIR as well as seizure list that altogether 127.797 kgs of ganja was recovered from the cabin of the truck in question and there is compliance of the mandatory provisions of the NDPS Act and recovered contraband is six times more than the 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 Banjariya P.S. Case No. 304 of 2025 pending in the Court of learned Court Exclusive Special Court-i, NDPS, East Champaran, Motihari.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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