

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26268 of 2026

Arising Out of PS. Case No.-196 Year-2025 Thana- RAXAUL District- East Champaran

Ashutosh Kumar S/o Navin Kumar Thakur R/o - Harishankar Maniyari P.S -
Maniyari District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shiva Shankar Sharma, Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP
For the UOI	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2026 Heard Mr. Shiva Shankar Sharma, learned counsel
for the petitioner, Mr. Arvind Kumar, learned counsel for the
Union of India and Mr. Surendra Prasad Singh, learned APP for
the State.

2. Petitioner seeks bail who is in custody since
17.10.2025 in connection with Raxaul P.S. Case No. 196 of
2025 for the offences punishable under Sections 20(B) (ii) (c)
and 29 of the N.D.P.S. Act, 1985.

3. Recovery is of 89.742 kg of *Ganja*.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that as per the allegation in the
F.I.R. altogether 89.742 kg of *Ganja* has been recovered from



the scrap shop of one Zakir Khan. He further submits that the petitioner was arrested in Harpur P.S. Case No. 60 of 2025 in which 78.900 kg of *Ganja* has been recovered and on the basis of the disclosure made by the petitioner in Harpur P.S. Case No. 60 of 2025 the recovery in the present case has been made.

5. Learned counsel for the Union of India as well as learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent of similar nature other than the present one. 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.

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, I am not inclined to enlarge the petitioner on bail in connection with Raxaul P.S. Case No. 196 of 2025 pending in the Court of learned Exclusive Special Judge Court No.II, NDPS East Champaran, Motihari.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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