

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26192 of 2026

Arising Out of PS. Case No.-461 Year-2025 Thana- PANCHRUKHI District- Siwan

Inglesh Tiwari @ Inglish Tiwari Son of Late Brij Kishore Tiwari R/O Vill.-
Hullash Chapra, P.S.- Gorla Kothi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2026 Heard Mr. Sarvesh Kashyap, learned counsel for the
petitioner and Mr. Anant Kumar 1, learned APP for the State.

2. Petitioner seeks bail who is in custody since
17.10.2025 in connection with Panchrukhi P.S. Case No. 461 of
2025 for the offences punishable under Sections 20(B)(ii)(c) and
22 of the N.D.P.S. Act, 1985.

3. Recovery is of 78.63 kg of *Ganja*.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent 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. It appears from the FIR as
well as seizure list that recovery has been from the suitcase in
question and the petitioner has no role at all in the present



occurrence.

5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the FIR as well as seizure list it appears that altogether 78.63 kg of *Ganja* has been recovered from the possession of the petitioner and apart from that there is compliance of mandatory provision of Section 50 of the NDPS Act and the petitioner has disclosed that he has received the said *Ganja* from the co-accused persons. 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 that the recovered contraband is more than the commercial quantity, I am not inclined to enlarge the petitioner on bail in connection with Panchrukhi P.S. Case No. 461 of 2025 pending in the Court of learned Sessions Judge, Siwan.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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