

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25309 of 2026

Arising Out of PS. Case No.-261 Year-2025 Thana- BEGUSARAI TOWN District- Begusarai

Alok Kumar @ Shivam S/o Rupesh Kumar Choudhary R/o Village - Dak
Banglow Chowk Vishnupur, P.S- Town District - Begusarai... .. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-04-2026 Heard Mr. Sunil Kumar Yadav, learned counsel for the
petitioner and learned Mr. Bhanu Pratap Singh A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
04.07.2025, in connection with N.D.P.S P.S. Case No. 31 of 2025
arising out of Town P.S. Case No. 261 of 2025, FIR dated
04.07.2025 registered for the offence under Sections
18/20(b)/22(a) of the NDPS Act and Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

3. Recovery is of 746 grams of smack.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in the
present case. As per allegation in the FIR 116 grams of smack is
stated to have been recovered from a polythene bag tied to the
handle of the motorcycle on which the petitioner was allegedly
sitting. Thereafter a further recovery of about 630 grams of smack



is alleged to have been made from a house at the instance of the petitioner. It appears from the FIR that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the house of the petitioner but the petitioner was not present at his house. He next submits that petitioner is not the absolute owner of the house in question, rather the same belongs to his maternal grandparents, where multiple family members reside.

5. Learned APP for the State, on the other hand, on the basis of the material available on the record, has vehemently opposed the prayer for bail of the petitioner and submits that altogether 746 grams of smack has been recovered from the house of the petitioner and possession of the petitioner and it appears from the FIR that huge quantity of Smack was recovered so there is embargo under Section 37 of the NDPS Act to grant privilege of bail to the petitioner.

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 Substances Act, 1985, Section 37 which says that before grant of bail, the Court must have reason to believe that the petitioner has 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 & 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 recently decided the judgment in the case of **Union of India Vs. Ajay Kumar Singh @ Pappu**, reported in **2023 SCC OnLine SC 346**.

8. The recovery of huge quantity of Smack from possession of the petitioner and house of the petitioner 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 nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Town P.S. Case No. 261 of 2025 pending in the court of learned District & Additional Sessions Judge-I-cum-Special Judge, NDPS Act, P.O of Children Court, Begusarai.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Suruchi/-

U		T	
---	--	---	--

