IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28188 of 2026

CNR No. BRHC010357852026

Arising Out of PS. Case No.-86 Year-2024 Thana- ANDHRAMATH District- Madhubani

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Shital Sah @ Sheetal Prasad Sah @ Sheetal Sah son of Late Jeebachh Sah @ Butaiya Sah Resident of Village -Gadhiya PS- Andehramath District -Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Gagandeo Yadav,Advocate
: Mr.Ravi Prakash, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

5 20-11-2026 Heard Mr. Gagandeo Yadav, learned counsel for the petitioner and Mr.Ram Priya Sharan Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 28.12.2025 in connection with Andhramath P.S. Case No. 86 of 2024, corresponding to G.R.No. 39 of 2024, F.I.R. dated 21.05.2024 registered for the offence punishable under Sections 8, 20(b)(ii)(c)/25 of N.D.P.S. Act.

3. Recovery is of 60 Kg of Ganja.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false

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and fabricated and the petitioner has not committed any offence as alleged in the FIR. It appears from the FIR as well as the seizure list that 60 Kg of Ganja was recovered from the Paddy Mill of the petitioner, nothing has been recovered from possession of the petitioner.

5. Learned APP for the State, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is Ganja. Further submits that altogether 60 Kg of contraband/Ganja has been recovered from the Paddy Mill of the petitioner and the recovered contraband is more than the commercial quantity. Further submits that the petitioner carries three more cases other than the present one but fairly submits that out of three cases, the petitioner is on bail in two cases, and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

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

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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 Ganja from paddy mill 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with Andhramath P.S. Case No. 86 of 2024, corresponding to G.R.No. 39 of 2024 pending in the court of learned Principal Sessions Judge, Madhubani.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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