

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25185 of 2026

Arising Out of PS. Case No.-37 Year-2025 Thana- HARPUR District- East Champaran

Arjun Singh S/o- Nar Bahadur Singh R/v- Jagarnathpur Gaon Palika Ps-
Serwa Dist- Parsa Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the State : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-04-2026 Heard Mr. Sunil Kumar No.III, learned counsel for
the petitioner and Mr. Syed Mojibur Rahman, learned APP for
the State.

2. Petitioner seeks bail who is in custody since
09.03.2025 in connection with N.D.P.S. Case No. 131 of 2025
arising out of Harpur P.S. Case No. 37 of 2025 for the offences
punishable under Sections 8, 20(b)(ii)(C), 23(c), 25 of the
N.D.P.S. Act.

3. The case relates to recovery of 69.650 Kgs. of
Ganja.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R.
The petitioner is in custody since 09.03.2025.

5. Learned Additional Public Prosecutor, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R. as well as seizure list that altogether 69.650 Kgs. of *Ganja like Narcotic Substance* was recovered from the motorcycle in question and petitioner was apprehended along with the aforesaid contraband and there is compliance of mandatory provision of Section 50 of the N.D.P.S. Act and 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 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 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with NDPS Case No. 131 of 2025 arising out of Harpur P.S. Case No. 37 of 2025, pending in the Court of learned Exclusive Special Judge, Court No. II, NDPS Act, East Champaran, Motihari.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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