

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28169 of 2026

Arising Out of PS. Case No.-101 Year-2025 Thana- LAUKAHA District- Madhubani

Ram Nath Chaupal S/O Nepali Chaupal Village- Mahadewa, P.S.- Narahiya,
District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner : Ms. Kumari Pallavi, Advocate
For the State : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-04-2026 Heard Ms. Kumari Pallavi, learned counsel for the

petitioner and Mr. Ashok Kumar Singh, learned APP for the

State.

2. Petitioner seeks bail who is in custody since
11.07.2025 in connection with Laukaha P.S. Case No. 101 of
2025 for the offences punishable under Sections 8, 20(b),(ii),
(c)/22 of the N.D.P.S. Act.

3. The case relates to recovery of 44.6 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. She further submits that the
allegation as allegation in the F.I.R. is false and fabricated and
the petitioner has not committed any offence as alleged in the
F.I.R. and nothing has been recovered from the conscious



possession of the petitioner rather recovery has been made from the vehicle in question. The petitioner is in custody since 11.07.2025.

5. Learned Additional Public Prosecutor, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that altogether 44.6 Kgs. of contraband (*Ganja*) has been recovered from the vehicle in question and the petitioner was seated in the vehicle in question along with other co-accused person. Learned counsel for the State 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 not to enlarge the petitioner on bail apart from aforesaid for the same set of allegation the bail petition of co-accused Krishna Kumar Thakur has been rejected by this Court vide order dated 09.04.2026 passed in Cr. Misc. No. 6095 of 2026.

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 Laukaha P.S. Case No. 101 of 2025, pending in the Court of learned District and Sessions Judge cum Special Judge, N.D.P.S. Act, Madhubani.

10. Prayer is refused.

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(Rajesh Kumar Verma, J)

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