

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37640 of 2026

Arising Out of PS. Case No.-596 Year-2025 Thana- SITAMARHI District- Sitamarhi

Vir Bahadur Manto @ Veer Bahadur Mahto S/o Late Kuldip Mahto R/o
Village - Parihar ward no.13, P.S.- Parihar, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2026 Heard Mr. Virendra Kumar, learned counsel for the

petitioner and learned Mr. Mukesh Kumar Singh, A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
31.08.2025, in connection with Sitamarhi P.S. Case No. 596 of
2025, FIR dated 30.08.2025 registered for the offence under
Sections 111(3) of the Bharatiya Nyay Sanhita, 2023 and
8/20(b)(ii)(B)(C)/23/25/29/61 of the NDPS Act.

3. Recovery is of 18.366 kgs of Charas and 3.200
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. 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 that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the house in question but the the petitioner is not the absolute owner of the house in question.

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 10.110 kgs of Charas has been recovered from the house of the petitioner and it appears from the FIR that huge quantity of contraband 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 contraband from the 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 Sitamarhi P.S. Case No. 596 of 2025 pending in the court of learned Session Judge-cum-Special Judge (NDPS), Sitamarhi.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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