

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33514 of 2026

Arising Out of PS. Case No.-17 Year-2024 Thana- D.R.I District- Muzaffarpur

Md Abdul S/o Md. Daroga Resident of Village - Sareya, P.S. - Goriya Kothi,
District - Siwan.

... .. Petitioner/s

Versus

The Union of India through the Directorate of Revenue Intelligence,
Muzaffarpur. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate
For the DRI : Mr. Amit Pandey, Sr. S.C

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2026 Heard Dr. Rajesh Kumar Singh, learned counsel for
the petitioner and Mr. Amit Pandey, learned counsel for the
Directorate of Revenue Intelligence (DRI).

2. Petitioner seeks bail who is in custody since
10.02.2025 in connection with N.D.P.S. Case No. 107 of 2025
connected with DRI Case No. 17 of 2024-25 for the offences
punishable under Sections 20(b)(ii)c/25/29 of the N.D.P.S. Act.

3. The case relates to recovery of 580.2 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. It appears from the F.I.R. as well
as seizure list that nothing has been recovered from the



conscious possession of the petitioner rather recovery has been made from the truck in question and the petitioner has been made accused in the present case merely on the ground that he is the driver of the truck in question. In fact, the petitioner has given consignment by one Sri Bhan Singh and he has paid Rs. 5000/- advance to the petitioner and petitioner was apprehended along with 580.2 Kgs. of Ganja. He further submits that there is non compliance of mandatory provisions of N.D.P.S. Act.

5. Mr. Amit Pandey, learned counsel for the DRI, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R. as well as seizure list it appears that altogether 580.2 Kgs. Of Ganja was recovered from the truck in question and there is compliance of mandatory provision of 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 N.D.P.S. Case No. 107 of 2025 connected with DRI Case No. 17 of 2024-25, pending in the Court of learned Exclusive Special Court-II (NDPS), Muzaffarpur.

10. Prayer is refused.

Ibrar//-

(Rajesh Kumar Verma, J)

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

