

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33747 of 2026

Arising Out of PS. Case No.-11 Year-2026 Thana- SAHARGHAT District- Madhubani

Sikandar Mahto S/O Puneshwar Mahto Resident of Village- Bara Tole,
Sharghat, P.S- Saharghat, Distt.- Madhubani, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shri Prakash Tiwari, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

3 24-06-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Saharghat P.S. Case No. 11 of 2026, registered for offences punishable under Sections 8/20(b)(ii)(C)/22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter, "the NDPS Act").

3. The case of the prosecution is that 59 kg of ganja was recovered from the possession of the petitioner. The recovered quantity is admittedly of commercial quantity within the meaning of the NDPS Act.

4. Where a case involves recovery of commercial quantity of narcotic drugs, the rigours of Section 37 of the NDPS Act come squarely into play. The said provision



mandates that no person accused of an offence involving commercial quantity shall be enlarged on bail unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty and is not likely to commit any such offence while on bail. The Hon'ble Supreme Court, in ***Union of India vs. Ajay Kumar Singh @ Pappu*** reported in ***2023 SCC OnLine SC 346***, reiterated that in cases involving commercial quantity of ganja, the Court must record its satisfaction on both limbs of the twin conditions before bail can be granted. No such satisfaction can be recorded on the facts of the present case. Nothing has been placed before this Court to indicate any basis for believing that the petitioner is not *prima facie* guilty of the offences alleged, nor is there any material to suggest he would not re-offend if enlarged on bail. The rigour of Section 37 thus operates in full force, and this Court is not inclined to grant bail to the petitioner.

5. Accordingly, the prayer for bail of the petitioner is hereby rejected.

6. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case



and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

abhishekk/-

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

