

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35310 of 2026

Arising Out of PS. Case No.-215 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Ghanshyam Sah @ Ghanshyam @ Ghanshyam Prasad Keshari S/O Late
Murahu @ Nurahu Sah R/o Vill - Naugadh Baghi (Naggad), P.S - Naugad,
District - Chandauli, U.P

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 10-07-2026 Heard the learned counsel for the petitioner and Mr.
Shyam Kumar Singh, the learned APP for the State.

2. This is the 2nd attempt of the petitioner seeking bail in connection with Kuchaikote P.S. Case No. 215 of 2023 registered for the offence under Sections 27(b)(ii), 27(d) and 28 of the Drug and Cosmetics Act and under Section 22 of the NDPS Act.

3. Earlier the bail application of the petitioner was rejected on 11.11.2025 in Cr. Misc. No. 72323 of 2025 which reads as follows:-

Heard learned counsel for the
petitioner and learned A.P.P for the State.

2. The petitioner has preferred this
application for grant of regular bail in
connection with Kuchaikot P.S. Case No. 215 of
2023 registered for the offence punishable under



Sections 27 (b)(ii), 27 (d) and 28 of the Drug Cosmetic Act, 2008 and Section 22 of the N.D.P.S. Act.

3. As per the prosecution case, total 2960 litres of Phensedyl cough syrup was recovered from the truck.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not the owner of the said vehicle and the same was not being driven by him at the time of the alleged recovery. The petitioner is not named in the FIR and his name has transpired in this case merely on the basis of confessional statement of the co-accused Gurudeep Singh. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 13.07.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the seized contraband is the commercial quantity and the petitioner had no valid authorization for keeping the same. It is further submitted that though the petitioner is not name in the FIR but the mobile number which was disclosed by the apprehended coaccused persons is of the petitioner which corroborates the complicity of the petitioner in the present case and they also disclosed that the petitioner is the main dealer of such sort of prohibited medicines.

6. As per Section 37 of the N.D.P.S. Act, the two conditions are that the Court should be satisfied with :-

(i) There are reasonable grounds for believing that the accused is not guilty of such offence; and

(ii) He is not likely to commit any offence while on bail.

7. If either of these two conditions is not satisfied, the bar operates and the accused cannot be released on bail. The Court is of the



opinion that the parameters of bail available under Section 37 of the Act have not satisfied in the facts of the instant case. The Hon'ble Supreme Court in the case of *Narcotics Control Bureau v. Mohit Aggarwal* 2022 SCC OnLine SC 891 has held that “The length of the period of his custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the N.D.P.S. Act.”

8. Considering the aforesaid facts and circumstances of the case as well as the fact that the petitioner is the main dealer of the said prohibited medicines coupled with the fact that the said recovery is of commercial quantity, this Court is not inclined to grant bail to the petitioner and the same is rejected.

9. Accordingly, the application stands rejected.

4. It is submitted that the trial has not progressed against the petitioner. Although charges have been framed but no witness has been examined.

5. Considering the gravity of the offence, I am not inclined to grant regular bail to the petitioner. Accordingly, this application for regular bail stands dismissed.

6. The Trial Court is directed to expedite the trial.

7. The Superintendent of Police, Gopalganj is directed to ensure the attendance of the witnesses in the trial.

8. Let a copy of this order be communicated to the



Superintendent of Police, Gopalganj through FAX or e-mail for
immediate compliance.

(Sandeep Kumar, J)

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