

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38301 of 2026

Arising Out of PS. Case No.-14 Year-2026 Thana- KANGLI District- West Champaran

Rambhu Kumar Yadav S/o- Lakshandeo Yadav R/o- Sonbarsa Bairiya Ps-
Pathraiya Dist-Parsa, Nepal

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Narcotic New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-06-2026 Heard Mr. Shiva Shankar Sharma, learned counsel

for the petitioner and Mr. Ram Sumiran Rai, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since
07.02.2026, in connection with Kangli P.S. Case No. 14 of
2026, FIR dated 07.02.2026 registered for the offence under
Sections 20(b)(ii)(c), 27(a), 23(c), 25, 29 of the NDPS Act.

3. Recovery is of 39.07 kg 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 and it is not clear from the FIR



that from whom possession the alleged recovery of contraband has been made. The petitioner is in custody since 07.02.2026.

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 39.07 kg of *Ganja* has been recovered from the joint possession of the petitioner and co-accused persons and it appears from the FIR that huge quantity of *Ganja* was recovered which is more than commercial quantity 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 *Ganja* from possession of the petitioner and other co-accused persons 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 Kangli P.S. Case No. 14 of 2026 pending in the court of learned Exclusive special Judge (N.D.P.S. Act), West Champaran, Bettiah.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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