

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40130 of 2026

Arising Out of PS. Case No.-473 Year-2025 Thana- BALIYA District- Begusarai

Karan Kumar S/o Bullu Paswan R/o Village- Purani Machhli Bazar, P.S-
Nagar @ Town, Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Prakash, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard Mr. Amit Prakash, learned counsel for the

petitioner and Mr. Ram Sevak Choudhary, learned APP for the

State.

2. Petitioner seeks bail who is in custody since
03.11.2025 in connection with NDPS Case No. 81 of 2025
arising out of Ballia P.S. Case No. 473 of 2025 for the offences
punishable under Sections 8(c), 21(c), 18(c), 29 and 31 of the
N.D.P.S. Act, 1985.

3. Recovery is of 467.61 grams of Smack.

4. Learned counsel for the petitioner submits that
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 he has been made accused



in the present case only on the basis of suspicion and except the suspicion, nothing has come during investigation which suggest the involvement of the petitioner in the present occurrence.

5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits that altogether 467.61 grams of Smack has been recovered from the possession of the petitioner and other accused persons and the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the N.D.P.S. Act. There is compliance of mandatory provisions of NDPS 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 petitioners have 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 contraband 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 NDPS Case No. 81 of 2025 arising out of Ballia P.S. Case No. 473 of 2025 pending in the Court of learned District & Additional Sessions Judge 1st -cum-Special Judge, NDPS Act & P.O. of Children Court, Begusarai.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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