

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45439 of 2025

Arising Out of PS. Case No.-18 Year-2023 Thana- D.R.I District- Patna

Chandra Bhushan Singh @ Chandra Bhushan Yadav S/o Krishna Singh
Resident of village- Hardaypur Itahi Tola Haridaypur, PS- Bihiya Dist-
Bhojpur

... .. Petitioner/s

Versus

The Union of India through the D.R.I., Regional Unit, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Vikash Kumar, Sr. S.C.

Mr. Ankit Kumar Singh, Jr. S.C.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 16-03-2026 Heard Mr. Sanjay Kumar, learned counsel for the

petitioner and Mr. Vikash Kumar, learned Senior Standing

Counsel for the Union of India.

2. The petitioner seeks bail, who is in custody since
03.07.2023 in connection with Special (NDPS) Case No.
04/2024, arising out of DRI/LZU/PRU/718(II)/ENQ-18/2023
DRI Patna Unit Case No. 08/2023-24 dated 02.07.2023,
registered for the offence punishable under Sections u/s
8(c)/20(b)(ii)(C) /2025,

3. Earlier the prayer for bail of the petitioner was
rejected by a coordinate Bench of this Hon'ble Court vide order
dated 24.07.2024 passed in Cr. Misc. No. 16599 of 2024.

4. As per allegation in the FIR is that altogether



63.100 Kgs. of Ganja was recovered from the vehicle in question.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. Learned counsel further submits that the petitioner had purchased the alleged Ganja from one Lal Babu Yadav. The same is registered in the name of Lal Babu Yadav. Petitioner is in custody since 03.07.2023 and the trial has not concluded as yet.

6. Learned counsel for the D.R.I., on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the N.D.P.S. Act and FSL report also confirms that the recovered contraband is Ganja.

7. 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.



8. 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.

9. 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.

10. As far as trial is concerned, vide order dated 10.09.2025, a report was called with regard to stage of the trial. Report dated 17.09.2025, learned Trial Court reveals that out of seven complaint witnesses, five witnesses have been examined and the case is pending for examination of two independent witnesses.

11. Considering the nature of allegation in the FIR, and report of learned Trial court, I am not inclined to enlarge the petitioner on bail in connection with Special (NDPS) Case No. 04/2024, arising out of DRI/LZU/PRU/718(II)/ENQ-18/2023



DRI Patna Unit Case No. 08/2023-24, pending in the Court of
learned Exclusive Special Court (N.D.P.S.), Patna.

12. Prayer is refused.

13. However, the learned Trial Court is directed to
expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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