

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38680 of 2026

Arising Out of PS. Case No.-175 Year-2026 Thana- BATHNAHA District- Sitamarhi

Dharmendra Prasad Son of Madan Sah Resident of Village- Kishanpur, Ward
No. 11, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-06-2026 Heard Mr. Birendra Kumar, learned counsel for the

petitioner and Mr. Ashok Kumar Singh, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
05.04.2026, in connection with Bathnaha P.S. Case No. 175 of
2026, FIR dated 05.04.2026 registered for the offence under
Sections 8(c),20(b)(ii)(c) of the NDPS Act.

3. Recovery is of 39.937 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. He further submits that
although the recovery has been made from the house of the



petitioner but there is non-compliance of mandatory provisions of N.D.P.S Act. The petitioner is in custody since 05.04.2026.

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 39.837 kg of *Ganja* has been recovered from the house of the petitioner and he was apprehended from the place of occurrence and it appears from the FIR that huge quantity of *Ganja* was recovered 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 the house of the petitioner 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 Bathnaha P.S. Case No. 175 of 2026, pending in the court of learned Sessions Judge-cum-Special Judge, NDPS Act, Sitamarhi.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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