

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39989 of 2026

Arising Out of PS. Case No.-25 Year-2026 Thana- Haraiya District- East Champaran

Sanjay Kumar Sah S/o Jaylal Sah Resident of Village- Ward No. 5, Nautan,
Bahuari, P.S.- Kalaiya, District- Bara, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard Mr. Kundan Rathore @ Kundan Kumar,

learned counsel for the petitioner and Mr. Kumar Veerendra

Narayan, learned APP for the State.

2. Petitioner seeks bail who is in custody since
03.02.2026 in connection with N.D.P.S. G.R. Case No. 18 of
2026 arising out of Haraiya P.S. Case No. 25 of 2026 for the
offences punishable under Sections 399, 402/34 of the Indian
Penal Code, Sections 8, 20(ii)(c) of the N.D.P.S. Act.

3. The case relates to recovery of 424.718 Kgs. 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. It appears from the F.I.R. as well
as seizure list that nothing has been recovered from the



conscious possession of the petitioner rather recovery has been made from the *Truck* in question and altogether 424.718 Kgs. of Ganja like substance was recovered and there is non compliance of mandatory provision of N.D.P.S. Act. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.02.2026.

5. Learned Additional Public Prosecutor, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R. 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 apart from that there is compliance of mandatory provision of N.D.P.S. 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 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 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 *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.

9. Considering the aforesaid facts and circumstance of the case as well as the recovered contraband is more than the commercial quantity and there is embargo under Section 37 of the N.D.P.S. Act, I am not inclined to enlarge the petitioner on bail in connection with N.D.P.S. G.R. Case No. 18 of 2026 arising out of Haraiya P.S. Case No. 25 of 2026, pending in the Court of learned Sessions Judge/Special Judge, East Champaran, Motihari.

10. Prayer is refused.

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(Rajesh Kumar Verma, J)

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