

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46931 of 2025

Arising Out of PS. Case No.-4 Year-2024 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Bhagalpur

Bitish Kumar S/O Late Nagdeo Ray R/O Village- Burra, P.S- Athmalgola,
Distt.- Patna.

... .. Petitioner/s

Versus

Union of India through N.C.B., Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Soni Kumari, Advocate
For the Opposite Party/s : Mr.Dr.K.N.Singh (A.S.G.)
: Ms. Shail Kumari, C.G.C.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-03-2026 Heard Ms. Soni Kumari, learned counsel for the

petitioners and Ms. Shail Kumari, learned Central

Government Counsel for the Union of India.

2. The petitioner seeks bail, who is in custody since
09.03.2024 in connection with N.D.P.S. Case No.28 of 2024,
arising out of N.C.B. Case No. 04 of 2024, registered for the
offence punishable under Sections 20(B)(II) (C), 25 & 29 of
N.D.P.S. Act read with Section 8(C) of NDPS Act.

3. Recovery is of 243 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. Learned counsel for the petitioner next submits that the petitioner has not been found or caught in the truck from which 240 Kg. Ganja in 24 packets was recovered. In fact the petitioner was arrested from a Marazzo Car which was running behind the truck and nothing incriminating article was recovered from the Car in question and the petitioner has been made accused in the present case merely on the basis of suspicion.

5. Ms. Shail Kumari, learned Central Government Counsel for the Union of India has vehemently opposed the prayer for bail of the petitioner and submits that one person, namely, Bittu Kumar Singh was apprehended and he has disclosed that the receiver of the seized Ganja would come to Naugachia, Bhagalpur from Patna by Mahindra Marazzo SUV bearing Registration No. BR-01PK-9506. In further follow up action, the said vehicle in question along with four persons were intercepted by a team of NCB, Patna near Bhawanipur Police Station. Five persons including the said Bittu Kumar Singh were examined u/s 67 of the NDPS Act. During voluntary statement, accused, namely, Bitish Kumar (petitioner) disclosed that Dibakar Guha of West Tripura was



a supplier of the seized Ganja. On the basis of the recovery, voluntary statement and involvement in trafficking of seized Ganja the petitioner and other accused persons were placed under arrest. The chemical examination report was received from CRCL, Kolkata on 01.04.2024 vide Lab No. 3092/SZD (N) dated 11.03.2024 in which it is mentioned that the sample under reference answer positive test for Ganja. Dibakar Guha tendered his voluntary statement, he admitted that he had supplied 243 Kgs of Ganja to the accused Bitish Kumar (petitioner).

6. Learned counsel for the NCB further submits that financial investigation revealed multiple bank transactions totaling amounting Rs. 6,43,500/- (Six Lakh Forty Three Thousand and Five Hundred Rupees only) from the account of Bitish Kumar (petitioner) and Sanjay Ray to the supplier namely, Dibakar Guha. Call Details Records and WhatsApp call logs show that the petitioner was in regular contact with the co-accused and the supplier. It appears from the aforesaid, petitioner has actively linked with an inter-State Drug trafficking gang and apart from aforesaid, the recovered contraband is more than the commercial quantity which is 12 times of the commercial quantity.



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 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.

8. 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**.

9. The recovery of huge quantity of Ganja from possession 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.

10. Hence, I am not inclined to enlarge the petitioner on bail in connection with N.D.P.S. Case No.28 of 2024, arising out of N.C.B. Case No. 04 of 2024, pending in



the court of learned District & Additional Sessions Judge- 1st ,
Bhagalpur.

11. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

