

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60058 of 2025

Arising Out of PS. Case No.-56 Year-2022 Thana- YADOPUR District- Gopalganj

Manoj Rai @ Manoj Ray Son of Vilat Rai Resident of Village- Chandpura
Ward no 5, Raghapur, PS- Raghapur District- Vaishali Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Harshvardhan, Advocate
For the State : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 03-04-2026 Heard Mr. Kumar Harshvardhan, learned counsel for
the petitioner and Mr. Raj Kishor Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
06.04.2022, in connection with Jadopur P.S. Case No. 56 of 2022
corresponding to Sessions Trial No. 25 of 2022, F.I.R. dated
05.04.2022 registered for the offences punishable under Sections
8/20(b)(ii)(c) of the N.D.P.S. Act.

3. The case relates to recovery of 370 Kgs. Of Ganja
from five different vehicles.

4. Learned counsel for the petitioner submits that
earlier the prayer for bail of the petitioner was rejected vide order
dated 23.06.2023 passed in Cr. Misc. No. 56243 of 2022 and



thereafter the petitioner again moved before this Court in Cr. Misc. No. 34901 of 2024 but the same was rejected vide order dated 28.08.2024.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 06.04.2022 and trial is not in progress and apart from that the petitioner is suffering from HIV. It appears from the F.I.R. as well as seizure list that altogether 370 Kgs. of *Ganja* was recovered from the vehicles in question. Learned counsel for the petitioner submits that the petitioner is a HIV positive since last 15 years and the trial is not concluded as yet.

6. Vide order dated 22.12.2025 a report was called for with regard to the stage of the trial. Report dated 05.01.2026 of the learned Trial Court reveals that out of eight chargesheeted witnesses, four witnesses have been examined and next date is fixed for evidence on 08.01.2026 itself.

7. Vide order dated 13.02.2026, a report was also called for the medical report with regard to the health condition of the petitioner from the Superintendent of Jail, Gopalganj and it has submitted a report on 20.02.2026 annexing the report of the prisoner/petitioner which is reproduced hereinbefore.

“Sir,

With due respect I have to say that UTP

Manoj ray is suffering from HIV AIDS since



2012 (on medication) and also he is suffering from T2DM. Presently, no any fresh complaint have been made by prisoner.”

8. Learned Additional Public Prosecutor, on the other hand, on the basis of material available on record, vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is *Ganja* which is more than the commercial quantity so there is embargo under Section 37 of the N.D.P.S. Act and apart from that the petitioner carries five more cases in which one case relates to N.D.P.S matter.

9. 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.

10. 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.



11. 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.

12. Considering the aforesaid facts and circumstances of the case as well as the report of the learned Trial court, the medical report of the petitioner as well as the recovered contraband is more than the commercial quantity, I am not inclined to enlarge the petitioner on bail in connection with Jadopur P.S. Case No. 56 of 2022 corresponding to Sessions Trial No. 25 of 2022 pending in the Court of learned Additional Sessions Judge-I, Gopalganj.

13. Prayer is refused.

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

(Rajesh Kumar Verma, J)

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