

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62833 of 2025

Arising Out of PS. Case No.-10 Year-2024 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- East Champaran

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Brij Kishore Prasad @ Brij Kishore S/O Late Shankar Prasad R/O Village-
Ghorasahan Mayisthan, Ward No. 04, P.S- Ghorasahan, Dist.- East
Champaran. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India Through Narcotics Control Bueau, Patna Zonal Unit,
CGO Complex 4th Floor, D and E Block, Karpuri Sadan, Patna, Bihar.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Adv.
For the Opposite Party/s : Mr. Ram Tujabh Singh, CGC
Mr. Radhika Raman, Adv.
Mr. Sanjay Kumar Tiwary, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 18-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 8(c), 20(b)(ii)(c), 23, 29 of the
N.D.P.S. Act.

3. As per FIR, huge quantity of Charas i.e. 3.9 kg was
recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that a false
recovery has been shown from the possession of the petitioner and
during the investigation, charge-sheet was also submitted in
absence of FSL report. However, subsequently, the FSL report was
received and the same has been annexed to the counter affidavit
filed by the NCB which also does not clearly disclose the
contraband as Charas. The petitioner is in custody since



04.09.2024 and only charges have been framed on 09.09.2025 and till date, no witness has been examined as such, there is no likelihood of conclusion of trial in near future. Further, the witnesses to the seizure list are the members of the raiding party and the petitioner has clean antecedent.

5. Learned counsel for the N.C.B. vehemently has opposed the application for bail on the ground that 3.9 kg of Charas which is commercial quantity has been recovered from the personal possession of the petitioner by duly adhering to the norms of search and seizure. Further, the FSL report has also now been received which has been annexed in the counter affidavit to contain codeine, morphine and thebaine and as such, the grant of bail would be barred by the statutory embargo in terms of Section 13 of the N.D.P.S. Act.

6. Taking into consideration the facts and circumstances and also considering the commercial quantity of contraband being recovered from the personal possession of the petitioner, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, his prayer for bail is rejected in connection N.C.B. Case No. PZU/V/10 of 2024.

(Soni Shrivastava, J)

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