IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59781 of 2026

CNR No. BRHC010857462026

Arising Out of PS. Case No.-172 Year-2026 Thana- SABAUR District- Bhagalpur

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1. Raj Kumar Son of Mantu Paswan Resident of Mohalla- Kutubganj, P.S.- Mojahidpur (Babarganj), District- Bhagalpur.
2. Sourabh Kumar Son of Sitaram Paswan Resident of Mohalla- Kutubganj, P.S.- Mojahidpur (Babarganj), District- Bhagalpur.
3. Ritesh Kumar Son of Kabbo Paswan Resident of Village- Chandheri, P.S.- Sabour, District- Bhagalpur.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.
For the Opposite Party/s : Mr.Madhuri Lata, Adv.
For State : Mr. Shailendra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

4 27-10-2026 Heard learned counsel for the petitioners as well as learned APP on behalf of the State.

2. The petitioners have been made accused in a case registered for the offences punishable under Sections 8 (c), 21 (c), 25 and 29 of the N.D.P.S Act.

3. As per the allegations made in the F.I.R., 408 grams of brown sugar in wet condition was recovered at the instance of petitioner no. 1.

4. Learned counsel for the petitioners submits that although the contraband which is recovered is stated to be of

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commercial quantity, the same has not been recovered from the conscious possession of the petitioners. It is further submitted that the provisions of Sections 42 and 50 of the N.D.P.S. Act has not been complied with. Learned counsel for the petitioner further submits that the recovery was allegedly made at the instance of petitioner no. 1, whereas there is no allegation of any such recovery against the petitioner no. 3. It is also submitted that the provisions of Sections 103 and 105 of the B.N.S.S. have not been complied with in the present case. Learned counsel for the petitioners further submits that the petitioners have clean antecedents and they have been in custody since 19.05.2026. It is also submitted that the charge-sheet has already been submitted against the petitioners.

5. Learned APP on behalf of the State has opposed the application, submitting that the contraband recovered is of commercial quantity and, therefore, the rigours of Section 37 of the N.D.P.S. Act would apply with full force.

6. Taking into consideration the entire facts and circumstances of the case and also the fact that the contraband which is recovered is a commercial quantity, this Court is not inclined to grant bail to the petitioners. Prayer for bail thus is accordingly, rejected at this stage.

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7. It goes without saying that if the trial of the petitioners does not progress substantially, they shall be at liberty to approach this Court afresh, in accordance with law.

(Raj Kumar, J)

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