

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69383 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- MOUZA HIDPUR District- Bhagalpur

Rohit Kumar S/O Bihari Lal Sah R/O Vill.- Aliganj, P.S.- Babarganj, Dist.-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-03-2026 Heard Mr. Rajive Ranjan Singh, learned counsel for
the petitioner and Mr. Manoj Kumar, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.01.2024 in connection with Mojahidpur P.S. Case No. 21 of
2024, F.I.R. dated 07.01.2024 for the offences punishable under
Sections 21 (c) and 22 of Narcotic Drugs and Psychotropic
Substance Act 1985.

3. According to prosecution case, 300 gm of brown
sugar like substance was recovered from the possession of the
petitioner and 200 gm of brown sugar like substance was
recovered from the possession of co-accused Dayanand Kumar.

4. Learned counsel for the petitioner submits that
petitioner has a clean antecedent and he has falsely been



implicated in the present case. It appears from the F.I.R that altogether 300 gm brown sugar like substance recovered from the possession of the petitioner and 200 gm of the brown sugar was recovered from the possession of co-accused Dayanand Prasad. Learned counsel further submits that there is non-compliance of Sections 42 and 50 of the N.D.P.S Act.

5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits that altogether 500 gm of brown sugar was recovered from the possession of the petitioner and other accused person and the recovery quantity is more than commercial quantity, so there is embargo under Section 37 of the 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 petitioners have 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 contraband 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with Mojahidpur P.S. Case No. 21 of 2024 pending in the Court of learned learned District and Sessions Judge, Bhagalpur .

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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