

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67879 of 2025

Arising Out of PS. Case No.-274 Year-2021 Thana- NAUGACHIA District- Bhagalpur

Md. Salim S/O Late Md. Raful R/O Vill.- Ujani, P.S.- Naugachi, Dist.-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-03-2026 Heard Mr.Raghwendra Pratap Singh, learned counsel
for the petitioner and Mr.Ashok Kumar Singh, learned APP for
the State.

2. Petitioner seeks bail who is in custody since
22.01.2023 in connection with N.D.P.S case No. 42 of 2021
arising out of Naugachia P.S. Case No. 274 of 2021 for the
offences punishable under Sections 25 (1-B)A, and 26 of the
Arms Act.

3. Recovery is of 40.50 kg of Ganja, one country
made pistol and two live cartridges.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that nothing has been recovered
from the conscious possession of the petitioner and the



petitioner has no concern with the alleged recovery. He further submits that there is non-compliance of Section 42 and 50 of the NDPS Act.

5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the N.D.P.S. Act. Apart from that, petitioner has four cases of similar nature other than the present.

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 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.

9. Hence, I am not inclined to enlarge the petitioner on bail in connection with N.D.P.S case No. 42 of 2021 arising out of Naugachia P.S. Case No. 274 of 2021 pending in the Court of learned 1st Additional District and Sessions Judge, Naugachia, Bhagalpur.

10. Prayer is refused.

11. However, the learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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