IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74993 of 2026

CNR No. BRHC011053902026

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

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

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Purushottam Kumar Das, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 06-11-2026 Heard Mr. Purushottam Kumar Das, learned counsel for the petitioner and learned Mr. Upendra Kumar, A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 08.01.2024, in connection with Mozahidpur P.S. Case No. 21 of 2024, FIR dated 07.01.2024 registered for the offence under Sections 21 (c) and 22 of the NDPS Act.

3. Earlier the bail application of the petitioner was rejected by this Court vide order dated 19.03.2026 in Cr. Misc. No. 69383 of 2025. Thereafter, the petitioner again moved before this Court for grant of Regular Bail which was dismissed vide order dated 28.08.2026 in Cr. Misc. No. 56221 of 2026.

4. Learned counsel for the petitioner submits that the

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petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner is in custody since 08.01.2024 and trial is not in progress.

5. Learned APP for the State, on the other hand, on the basis of the material available on the record, has vehemently opposed the prayer for bail of the petitioner and submits that altogether 500 grams of brown sugar like substance has been recovered from the possession of the petitioner and other co-accused person and it appears from the FIR that the recovered contraband is more than the commercial quantity so there is embargo under Section 37 of the NDPS Act to grant privilege of bail to the petitioner.

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 Substances Act, 1985, Section 37 which says that before grant of bail, the Court must have reason to believe that the petitioner has not committed the offence and in the event of release he would not commit similar offence.

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7. The issue was considered by the Hon'ble Supreme Court in the case of **State of Kerala and Ors** Vs. **Rajesh & 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 recently decided the judgment in the case of **Union of India** Vs. **Ajay Kumar Singh @ Pappu**, reported in **2023 SCC OnLine SC 346.**

8. The recovery of huge quantity of contraband (brown sugar like substance) from possession of the petitioner and other co-accused person would not justify that the petitioner had no knowledge of the contraband nor there is any material to substantiate that the petitioner would not commit such offence in the event of release.

9. Considering the aforesaid facts and nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Mozahidpur P.S. Case No. 21 of 2024, pending in the court of learned District and Additional Sessions Judge-I, Bhagalpur.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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