IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76258 of 2026

CNR No. BRHC011055342026

Arising Out of PS. Case No.-77 Year-2026 Thana- MASHRAK District- Saran

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Raj Kumar Rai @ Ram Kumar Yadav @ Dhodha Son of Late Mohan Rai Resident of village Chand Kudriya, P.S.- Masrakh, Dist.- Saran, Pin 841410

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Smita Shreeyash, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 06-11-2026 Heard Ms. Smita Shreeyash, learned counsel for the petitioner and learned Md. Mushtaque Alam, A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 13.02.2026, in connection with NDPS Special Case No. 08 of 2026 (Masrakh P.S. Case No. 77 of 2026), FIR dated 10.02.2026 registered for the offence under Sections 8/20 (b)/11 (A) of the NDPS Act.

3. Earlier the bail application of the petitioner was rejected by this Court vide order dated 15.04.2026 in Cr. Misc. No. 24337 of 2026. Thereafter, the petitioner again moved

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before this Court for renew of his prayer of bail but the same was withdrawn vide order dated 28.08.2026 in Cr. Misc. No. 55930 of 2026.

4. Learned counsel for the petitioner submits that the petitioner is innocent 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 next submits that nothing has been recovered from the conscious possession of the petitioner. It appears from the seizure list that five bags of poppy husk was recovered from the asbestos house of the petitioner. He further submits that the petitioner is in custody since 13.02.2026 .

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and submits that altogether five bags of poopy husk like material total containing 30.630 kg has been recovered from the asbestos house of the petitioner 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

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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.

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 from house of the petitioner 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 Masrakh P.S. Case No. 77 of 2026, pending in the court of learned Special Court (Judge) N.D.P.S-cum-1st Additional Sessions Judge, Saran at Chapra.

10. Prayer is refused.

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11. However the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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