

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75799 of 2025**

Arising Out of PS. Case No.-423 Year-2025 Thana- MURLIGANJ District- Madhepura

Vivek Kumar S/o Raj Kishore Das R/o Vill- Jorgama, P.S.- Murliganj, Distt-  
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Pooja Prasad, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

4      26-02-2026                      Heard learned counsel for the petitioner, learned  
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Murliganj P.S. Case No. 423 of 2025, instituted for the offences punishable under Sections 8(c), 21(b) and 22 of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 400 gram smack from the possession of co-accused Anshu Kumar and the petitioner was arrested on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner



also submits that the petitioner has got no concern with the alleged recovery of smack rather the same has been recovered from the possession of co-accused, namely, Anshu Kumar. The petitioner is in custody since 25.08.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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