

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79315 of 2025

Arising Out of PS. Case No.-244 Year-2025 Thana- KHAJANCHI HAT District- Purnia

Sintu Kumar S/o Suchendra Yadav Residents of Sakra Paharpur, PS- Simri
Bakhtiharpur, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Fazle Karim, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-01-2026 Heard Mr. Md. Fazle Karim, learned counsel for
the petitioner and learned Mr. Syed Ehteshamuddin, A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
15.06.2025, in connection with K. Hat P.S. Case No. 244 of
2023, FIR dated 14.06.2025 registered for the offence under
Sections 8, 20(b)(ii)(B) of the NDPS Act.

3. Recovery is of 308.710 grams of Smack/Brown
Sugar.

4. Learned counsel for the petitioner submits that the
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. It appears from the FIR that



nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from vehicle in question.

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 308.710 grams of Smack/Brown Sugar has been recovered from the vehicle in question and it appears from the FIR that huge quantity of Ganja was recovered 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.

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 Ganja from possession of the petitioner 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. Considering the aforesaid facts and nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with K. Hat P.S. Case No. 244 of 2023 pending in the court of learned Special judge (N.D.P.S Act), Purnea.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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