

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78274 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- GALGALIYA District- Kishanganj

Md. Sonu S/O Md. Junaid R/O Village- Lakrideepo, Bhatgaon, P.S.- Galgalia,
Dist.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 83009 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- GALGALIYA District- Kishanganj

Md. Iqbal S/O Md. Junaid R/O Village- Lakrideepo, Bhatgaon, P.S.- Galgalia,
Dist.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 78274 of 2025)
For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate
: Mr.Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP
(In CRIMINAL MISCELLANEOUS No. 83009 of 2025)
For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate
: Mr.Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-04-2026 Heard Mr. N.K.Agrawal, learned senior counsel for

the petitioners, Mr.Pawan Kumar Chaurasia, the learned A.P.P.

for the State (In CRIMINAL MISCELLANEOUS No. 78274 of

2025) and Mr.Navin Kumar Pandey, the learned A.P.P. for the

State (In CRIMINAL MISCELLANEOUS No. 83009 of 2025).

2. The petitioners seek bail, who are in custody since



26.06.2025 in connection with Galgaliya P.S. Case No. 52 of 2025, F.I.R. dated 25.06.2025 registered for the offence punishable under Sections 8(c),21(c),29 of N.D.P.S. Act.

3. Recovery is of 260 Gms of brown sugar.

4. Learned senior counsel for the petitioners submits that petitioner, namely, Md. Sonu has clean antecedent and petitioner, namely, Md. Ikbali carries one more case other than the present one of similar nature and he is on bail in the said case. They have falsely been implicated in the present case. Further submits that it appears from the FIR that altogether 260 Gms of Brown Sugar was recovered from the house of the petitioners, apart from the aforesaid, it appears from the FIR itself that both the petitioners are own brothers which suggests that the petitioners are involved in the present crime in question. Further submits that there is non-compliance of the mandatory provisions of the NDPS Act.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioners and submits that it appears from the FIR that altogether 260 Gms of Brown Sugar was recovered from the house of the petitioners and there is compliance of the mandatory provisions of the NDPS Act, apart from the aforesaid, the FSL report also confirms that the



recovered contraband is Heroin.

Result of Examination

“Heroin, a diacetyl derivative morphine was detected in the contents of the paper pudiya marked A, B,C,D & E as described above in the FSL Report.

Heroin is an addictive, intoxicating and narcotics drug.”

6. Learned APP for the State further submits that the recovered contraband is more than the commercial quantity so there is embargo under Section 37 of the NDPS Act to enlarge the petitioners on bail, apart from aforesaid, 42,190/- of Indian Currency, 52,740/- of Nepali Currency and other articles were also recovered from the house of the petitioners.

7. 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 petitioners have not committed the offence and in the event of release they would not commit similar offence.

8. 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**.

9. The recovery of huge quantity of Brown Sugar from possession of the petitioners would not justify that the petitioners had no knowledge of the narcotic nor there is any material to substantiate that the petitioners would not commit such offence in the event of release.

10. Hence, I am not inclined to enlarge the petitioners on bail in connection with Galgaliya P.S. Case No. 52 of 2025, pending in the court of learned Sessions Judge-cum-Special Judge(NDPS Act), Kishanganj.

11. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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