

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79184 of 2025

Arising Out of PS. Case No.-252 Year-2025 Thana- BIRPUR District- Supaul

Shiv Narayan Mehta S/o Late Sitaram Mehta R/o vill - Piprahi Nag, ward no. 4, P.S.- Birpur, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-01-2026 Heard Mr. Ranjay Kumar Singh, learned counsel for the petitioner and learned Mr. Nawal Kishore Prasad, A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 17.07.2025, in NDPS Case No.78 of 2025 arising out of Birpur P.S. Case No. 252 of 2025, FIR dated 16.07.2025 registered for the offence under Sections 8 and 20(b)(ii)(c) of the NDPS Act.

3. Recovery is of 38 kg of Ganja.

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 the house of the petitioner.

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 38 kg of Ganja has been recovered from the house of the petitioner 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 Birpur P.S. Case No. 252 of 2025 pending in the court of learned Sessions Judge, Supaul.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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