

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83803 of 2025**

Arising Out of PS. Case No.-3 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.  
District- Vaishali

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Chandradeep Mahto @ Degree Mahto Son of Late Kaltu Mahto @ Kalpu  
Mahto Resident of village Mile, P.S.- Bidupur, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gunjesh Kumar, Sub-Inspector Excise, Mobile Force, Vaishali, Hajipur Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shivjee Singh, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      31-01-2026                      Heard Mr.Shivjee Singh, learned counsel for the  
  
petitioner and Mr.Navin Kumar Pandey, learned A.P.P. for the  
  
State.

2. The petitioner seeks bail, who is in custody since  
07.01.2025 in connection with Case No. C2A-3 of 2018  
(Bidupur P.S.) registered for the offence punishable under  
Sections Sections 20(b) and 8 (c) of N.D.P.S. Act.

3. Earlier the prayer for anticipatory bail of the  
petitioner was rejected by a Coordinate Bench of this Hon'ble  
Court vide order dated 03.05.2018 passed in Cr. Misc. No.  
24283 of 2018.

4. Learned counsel for the petitioner submits that



there is non-compliance of the mandatory provisions of the NDPS, Act.

5. Learned APP for the State, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that the prayer for anticipatory bail of the petitioner was rejected by a Coordinate Bench of this Hon'ble Court in the year 2018 and it appears from the FIR that the recovery has been made from the house of the petitioner and from 2018 to till date on the date of surrender the petitioner was absconder i.e. about seven years and when process under Sections 82 and 83 was issued against the petitioner then he has surrendered before the learned Trial Court and apart from the aforesaid, recovered contraband is more than the commercial quantity. Hence, there is embargo under Section 37 of the NDPS Act for grant 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 have 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with Case No. C2A-3 of 2018 (Bidupur P.S.) pending in the court of learned District and Additional Sessions Judge-I-cum-Special Judge, NDPS, Vaishali at Hajipur.

10. Prayer is refused.

**(Rajesh Kumar Verma, J)**

Nitesh/-

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