

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86717 of 2025

Arising Out of PS. Case No.-372 Year-2025 Thana- BAHADURGANJ District- Kishanganj

Sushil Kumar Son of Sahdev Prasad @ Shaddev Lal Harijan Resident of
Village- Dohaliya, P.S.- Bahadurganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2026 Heard Mr.Ram Prawesh Kumar, learned counsel for
the petitioner and Mr.Ram Anurag Singh, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
24.08.2025 in connection with Bahadurganj P.S. Case No. 372
of 2025, F.I.R. dated 23.08.2025 registered for the offence
punishable under Sections 8,20(b)(ii)(C) of N.D.P.S.Act.

3. Recovery is of 24.550 Kg of Ganja and 50 Gm
Narcotic contraband substance.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. The allegation
as alleged in the FIR is false and fabricated and the petitioner
has not committed any offence as alleged in the FIR.

5. Learned A.P.P. for the State, on the other hand, has



vehemently opposed the prayer for bail of the petitioner and submits that altogether 24.550 Kg of Ganja like substance and 50 Gm of Charas was recovered from the pocket of the petitioner and the recovered contraband is more than the commercial quantity.

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 commercial quantity of Ganja and 50 Gm of Charas 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 the recovered contraband is more than the commercial quantity, I am not inclined to enlarge the petitioner on bail in connection with Bahadurganj P.S. Case No. 372 of 2025, pending in the court of learned Sessions Judge-cum-Special Judge, (NDPS) Act, Kishanganj.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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