

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4500 of 2026

Arising Out of PS. Case No.-34 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Sitamarhi

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Rajesh Kumar @ Pappu Chaudhary @ Pappu, S/o Umanath Chaudhary,
Resident of Village-Jale West Shanker Chowk, P.S.- Jale District- Darbhanga

... .. Petitioner

Versus

The Union of India through Junior Intelligence Officer, Narcotics Control
Bureau, Patna

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the U.O.I./N.C.B. : Mr. Ram Tujabh Singh, CGC
Mr. Radhika Raman Singh, AC to CGC

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-02-2026 Heard learned counsel for the petitioner and learned

Central Government Counsel appearing for the Union of

India/NCB.

2. The accused/petitioner is named in the FIR and

apprehending his arrest in connection with C-2 Case No.3 of

2021 arising out of NCB Case No.34 of 2021 registered under

Sections 8(c), 20(b)(ii)(c), 25 and 29 of the Narcotic Drugs

and Psychotropic Substances Act, 1985 (in short 'N.D.P.S.

Act')

3. As per FIR, total 275 kg. of *ganja* in 20 packets

was recovered from the truck bearing Engine No.BRJ 15177.



4. It is submitted by learned counsel appearing for petitioner that the name of petitioner transpired on the basis of disclosure made by apprehended co-accused persons namely, Prem Kumar and Rajesh Mahto, who are the driver and co-driver of the truck in issue from where the contraband was seized. It is submitted that in view of same, it is an admitted position that no contraband as alleged was recovered from physical possession of this petitioner and, therefore, the rigors of Section 37 of the NDPS Act appears not applicable in present case.

5. Arguing further, it is submitted that even no preliminary test was conducted in this matter and merely on the basis of suspicion, as the seized material was “ganja like substance”, the entire implication was raised. It is submitted that still in this matter, the FSL report is awaited. In this context, it is further submitted that even compliance of golden principles *qua* Sealing, Search and Sampling (SSS) also not appears followed in its true spirit as provisioned under N.D.P.S. Act in present case. Explaining criminal antecedent, it is submitted that petitioner found involved in one more



criminal case, which is of Excise, where he is on bail.

6. Learned counsel appearing for NCB/Union of India while opposing the prayer of bail submitted that from perusal of the impugned order, it can be gathered safely that the apprehended co-accused Prem Kumar and Rajesh Mahto have already convicted by the learned Trial Court and this petitioner soon before recovery was in regular touch over phone with three co-accused persons. It is further pointed out that with Prem Kumar this petitioner found in conversation for six times. Similarly, with convict Rajesh Mahto, 88 times and with co-accused Gagan Baitha 32 times, which categorically suggest culpable mental state of petitioner in view of Section 35 of the N.D.P.S. Act and, therefore, rigors of Section 37 of the N.D.P.S. Act appears applicable in present case, which also put a bar as to entertain the prayer of bail of petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as the petitioner as per call detail reports was talking frequently with co-accused persons like driver and co-driver, suggesting *prima facie* his culpable mental state in view of Section 35 of the N.D.P.S. Act and moreover the



recovered quantity is much more than commercial quantity
i.e. 275 kg of *ganja*, accordingly, prayer of anticipatory bail of
petitioner stands rejected.

8. Upon surrender, the learned trial court may
decide the prayer of regular bail of petitioner in accordance
with law without being prejudiced by any of the observation
as made by this Court.

(Chandra Shekhar Jha, J.)

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