

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.652 of 2026**

Arising Out of PS. Case No.-237 Year-2025 Thana- BUXAR INDUSTRIAL District- Buxar

Sunil Kumar Son of Ram Bahadur Singh @ Ram Bahadur Mahto Resident of  
Village - Dalsagar, P.S.- Buxar (Industrial), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

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

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

4      06-04-2026                      Heard Mr. Anil Kumar Roy, learned counsel for the  
petitioner and Mr. Nagendra Prasad, learned APP for the State.

2. Petitioner seeks bail who is in custody since  
28.09.2025 in connection with Buxar Industrial P.S Case No.  
237 of 2025 for the offences punishable under Sections 8(c),  
20(B) (II) B, 22, 25 and 27 of the N.D.P.S. Act, 1985.

3. Recovery is of 24.78 kg of Ganja.

4. Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been  
implicated in the present case. The allegation as alleged in the  
F.I.R is false and fabricated and the petitioner has not committed  
any offence as alleged in the F.I.R. He further submits that the  
petitioner is the driver of the tempo in question.

5. Learned Additional Public Prosecutor on the other



hand vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R as well as seizure list that altogether 24.78 kg of *Ganja* has been recovered from the possession of the petitioner and F.S.L. report also confirms that the recovered contraband is *Ganja* and the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the N.D.P.S. Act.

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 Substance Act, 1985, Section 37 which says that before grant of bail, the Court must have reason to believe that petitioners 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 and 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 **Union of India vs. Ajay Kumar Singh @ Pappu** reported in **2023 SCC OnLine SC 3456** dated 28.03.2023.

8. The recovery of huge quantity of *Ganja* recovered



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 circumstances and the fact that the recovered contraband is more than the commercial quantity, I am not inclined to enlarge the petitioner on bail in connection with Buxar Industrial P.S Case No. 237 of 2025 pending in the Court of learned Special Judge, NDPS Act, Buxar.

10. Prayer is refused.

**(Rajesh Kumar Verma, J)**

Vanisha/-

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