

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4980 of 2025

Arising Out of PS. Case No.-250 Year-2024 Thana- BAJPATTI District- Sitamarhi

Manoj Kumar @ Manoj Kumar Sharma, S/O Ram Udit Sharma, R/O Village
- Bhasepur ward no. -2, P.S. - Bajpatti, Dist. - Sitamarhi.... .. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.Santosh Kumar, Advocate
Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

11 08-09-2025 Heard learned senior counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Bajpatti
P.S. Case No. 250/2024, registered for the offence under Sections
8/20(b)(ii)(C) of the Narcotic Drugs & Psychotropic Substance
Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 12.09.2024.

4. As per FIR, petitioner found in possession of 38 Kg of
ganja/contraband, which alleged to be recovered from the car of
the petitioner.

5. Mr. N.K. Agrawal, learned senior counsel while
arguing for the petitioner submitted that the alleged contraband
was recovered from the joint possession of co-accused persons,



which said to be recovered from the car, where the petitioner was one of the occupant of the car. It is submitted that petitioner took a lift for a short destination and he was not connected in any manner with the car and was also not under knowledge regarding carrying of contraband as alleged. It is submitted that in view of aforesaid, it can be safely said that petitioner was not under culpable mental state regarding possession of the contraband in view of Section 35 of NDPS Act, and, therefore, the import of Section 37 of the NDPS Act not appears applicable in present case.

6. Besides aforesaid, it is highlighted by Mr. Agrawal that in present case charge-sheet was submitted without FSL report and, therefore it was incomplete and, as such, petitioner in view of same entitled for statutory bail. In support of his submission, Mr. Agrawal relied upon one of the order passed by Hon'ble Supreme Court as available through ***Divyas Bardewa Vs. Narcotics Control Bureau***, reported in ***2023 SCC OnLine SC 742***. In this context, it is further submitted that matter is pending before the Hon'ble Supreme Court for larger consideration and, therefore, petitioner is entitled for interim bail. Petitioner claimed clean antecedent.

7. Learned APP while opposing the prayer of bail could not disputed the aforesaid factual submission as advanced by Mr.



Agrawal.

8. Considering the aforesaid factual submissions as charge-sheet appears to be submitted without FSL report, therefore, petitioner in view of ***Divyas Bardewa case (supra)*** is directed to be released on bail in connection with Bajpatti P.S. Case No. 250/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge NDPS Act, Sitamarhi/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS, subject to the outcome of the aforesaid case.

(Chandra Shekhar Jha, J)

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