

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27273 of 2025**

Arising Out of PS. Case No.-82 Year-2025 Thana- KISHANGANJ District- Kishanganj

Md. Lalu Son of Late Haider Ali @ Md Haidar Ali Resident of village -  
Rangbhatia Ward No.- 07, P.S.- Barsoi, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

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

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      27-08-2025                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with  
  
Kishanganj P.S. Case No. 82 of 2025 registered for the  
  
offences under Sections 8 and 20(b) (ii) (B) of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in  
  
custody since 14.02.2025.

4. Petitioner alleged to have in possession of 6.2  
  
kilograms of contraband i.e., ganja.

5. Learned counsel appearing on behalf of the  
  
petitioner submitted that alleged contraband was said to be  
  
recovered from the carry bag, which alleged to be carrying by



petitioner. It is submitted that from the perusal of FIR it can be gathered safely that compliance of Section 50 of NDPS Act not appears to be followed in the present case. It is pointed out that mandatory provisions regarding search, seizure and sampling (SSS) not appears to be followed in its true spirit as per provisions available under NDPS Act. It is submitted that in view of incomplete charge-sheet also petitioner deserves bail in view of **Divyas Bardewa Vs. Narcotics Control Bureau** through **SLA (Crl.) No. 11628 of 2022**. While concluding the argument it is submitted that as recovered quantity is intermediate quantity, therefore, rigors of Section 37 of the NDPS Act not appears applicable in the present case, where petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that contraband/*ganja* was recovered from the possession of this petitioner.



7. In view of aforesaid factual submission and by taking note of fact as recovered quantity prima-facie appears of intermediate quantity, where charge-sheet appears submitted without FSL report, coupled with the fact as petitioner remains in custody since 14.02.2025, accordingly above named petitioner, is directed to be released on bail in connection with Kishanganj P.S. Case No. 82 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (NDPS) Act, Kishanganj/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

**(Chandra Shekhar Jha, J.)**

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