

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33215 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- DAGARUA District- Purnia

Sajan Kumar S/o- Anil Kumar Mehta Village- Jagni A Ward no- 2 PS-
Champanagar K. Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

8 28-11-2025 Heard *Mr. N.K. Agrawal*, learned Senior counsel for the
petitioner as well as the learned Additional Public Prosecutor for
the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections- 8(c), 21(c) of the NDPS Act
in connection with Dagarua P.S. Case No. 52 of 2025.

3. As per allegation, during vehicle checking, two persons
including this petitioner were riding a four wheeler no. BR10U-
5734 stopped the vehicle and tried to escape but were caught by
the informant. On search, 204.66 grams of smack (brown sugar)
was recovered from possession of the petitioner whereas 102.4
gram of smack were recovered from possession of co-accused
Ashish Kumar.

4. *Mr. N.K. Agrawal*, learned Senior counsel for the



petitioner has submitted that petitioner is innocent and has falsely been implicated in the present case. He submitted next that the contraband recovered from possession of the petitioner is less than the commercial quantity. He has further submitted that without FSL report of the seized article, the charge-sheet has been submitted against the petitioner which is an incomplete charge-sheet, without conclusion of the investigation. The investigation cannot be said to be complete in absence of the FSL report and if the investigation is incomplete, the petitioner should not have been kept in custody and he has to be released under the provisions of Section 167(2) of the Cr.P.C. read with Section 36A(4) of the NDPS Act. He further drew my attention towards a judgment of Co-ordinate Bench of this Hon'ble Court in the case of *Rampravesh Diswa vs. State of Bihar* reported in *BLJ 2024(1) 776*. The Co-ordinate Bench of this Court relying upon the decision of *Ram Babu Yadav vs. State of Bihar* reported in *PLJR 2022 (2) 462* and the decision of Hon'ble the Supreme Court in the case of *Uday Mohanlal Acharya vs. State of Maharashtra* reported in *2001 (5) SCC 453* has held that the charge-sheet without FSL report is on the ground of incomplete investigation and the petitioner of that case was granted default bail on this ground only. It has also been submitted that the



petitioner is under incarceration since 12.02.2025.

5. Learned APP has opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances **as also the fact that without being any FSL report, the charge-sheet has been submitted against the petitioner**, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS Act), Purnea in connection with Dagarua P.S. Case No. 52 of 2025 with condition that the petitioner shall cooperate with the trial of the case and make himself available as and when required by the Court.

7. **One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.**

8. **The petitioner will appear on each and every date fixed by the court and if he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.**

9. **Before accepting the bail bond, the criminal antecedent of the petitioner shall be verified from all the Police Stations of Purnea District and if, it is found that he is**



involved in any other case except the case(s), mentioned in paragraph no. 3 as well as in supplementary affidavit, his bail bond shall not be accepted.

(Nawneet Kumar Pandey, J)

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