

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30492 of 2025

Arising Out of PS. Case No.-193 Year-2024 Thana- KURSAILA District- Katihar

Bahru Mandal son of Late Chhabe Mandal village - Nawabganj, Purab tola,
Ps- Kursela, Dist- katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
: Mrs. Vaishnavi Singh, Adv
: Mr. Ritwik Thakur, Adv
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-08-2025 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
Kursela P.S. Case No. 193 of 2024 registered for the
offences under Sections 8, 20(B)(ii)(C) of the NDPS Act.

3. The petitioner is named in the F.I.R. and is
in custody since 17.10.2024.

4. The allegation against the petitioner is to
have in possession of 58 kilograms of contraband i.e.,
ganja along with other co-accused persons, where
alleged contraband was recovered from the under-
constructed house of this petitioner.

5. Learned counsel appearing on behalf of the



petitioner submitted that in the present case charge-sheet was submitted by investigating agency without obtaining FSL report and, therefore, the petitioner is entitled for default bail. It is further submitted that as issue is pending before Hon'ble Supreme court for larger consideration in the matter of **Divyas Bardewa Vs. Narcotics Control Bureau** through **SLA (Crl.) No. 11628 of 2022** and by considering aforesaid, different learned Co-ordinate Benches of this Court are granting bail to co-accused persons, where charge-sheet was submitted without FSL report this petitioner also deserves bail. It is also submitted that even preliminary test was not conducted at the time of seizure and sampling of alleged contraband to ascertain prima-facie that recovered contraband was *ganja* or not. It is also pointed out that the FIR, itself suggests that mandatory provisions regarding search, seizure and sampling (SSS) not appears followed in the present case. It is also submitted that recovery also not appears made from the conscious physical possession of this petitioner. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

6. Learned APP appearing on behalf of the



State, while opposing the prayer for bail submitted that commercial quantity of contraband i.e., ganja was recovered from under-constructed house of this petitioner. However he could not disputed the legal and factual submission as submitted aforesaid.

7. In view of aforesaid factual submission and by taking note of fact as incomplete charge-sheet was submitted against petitioner i.e., without FSL report, coupled with the fact as petitioner is a man of clean antecedent and remains in custody since 17.10.2024, accordingly above named petitioner, is directed to be released on bail in connection with Kursela P.S. Case No. 193 of 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 Additional District and Sessions Judge-VIII, Katihar/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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