

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28383 of 2025

Arising Out of PS. Case No.-352 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Shiv Chandra Giri Son of Late Raj Narayan Giri Resident of Village -
Vihjudi, Ward No.- 14, P.S.- Desari, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 19-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with

Dalsinghsarai P.S. Case No. 352 of 2024 registered for

the offence under Sections 8, 20(b)(ii)(c), 25 of NDPS

Act.

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

custody since 16.11.2024.

4. The allegation against the petitioner is 31.705

kg of *Ganja* in 16 closed packets alongwith co-accused

persons.

5. Learned counsel appearing on behalf of the

petitioner submitted that in present matter the charge-

sheet was submitted on 12.02.2025 without obtaining



FSL report qua seized contraband and it was send to laboratory on 11.02.2025 only. It is submitted that in view of incomplete charge-sheet petitioner deserves interim bail in view of ***Divyas Bardewa vs. Narcotics Control Bureau*** through ***SLA (Crl.) No. 11628 of 2022***, as matter is pending before larger bench of Hon'ble Supreme Court for considering this issue. It is submitted that considering aforesaid aspect learned Co-ordinate Benches of this Court granted bail to co-accused persons namely, Dolly Day and Sapan Kurmi through Cr. Misc. No. 26236 of 2025 vide order dated 06.08.2025 and co-accused Sujeet Kumar through Cr. Misc. No. 15364 of 2025 vide order dated 28.05.2025. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of



bail submitted that could not disputed aforesaid factual aspect.

7. In view of aforesaid factual submission and by taking note of fact as the charge-sheet submitted without obtaining FSL report, accordingly petitioner above-named, is directed to be released on bail, in connection with Dalsinghsarai P.S. Case No. 352 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 Principal District and Session Judge, Samastipur /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS., subject to outcome of ***Divyas Bardewa case (supra).***

8. Office is directed to return FSL report in sealed cover to learned trial court forthwith.

(Chandra Shekhar Jha, J)

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