

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31425 of 2025

Arising Out of PS. Case No.-83 Year-2024 Thana- Bathnaha District- Araria

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Pankaj Bahardar @ Pankaj Kumar Son of Baijnath Bahardar @ Baidynath Bahardar Resident of village - Milki Dumaria, Ward No.- 03, P.S.- Fulkaha, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 19-05-2025 Heard the learned senior counsel for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Bathnaha P.S. Case No. 83 of 2024, registered for the offences punishable under Sections 8/20 (b) (ii), (c) of the Narcotic Drugs & Psychotropic Substance Act, 1985. Petitioner has clean antecedent.

3. The prosecution case is to the effect that on secret information that huge quantity of ganja is being smuggled from Nepal to India, the police laid a trap and intercepted a tractor with trolley. It has been alleged that on seeing the police, the persons sitting on the engine of the tractor jumped and tried to flee, however, they were chased and two persons were



apprehended who disclosed their names as Pankaj Bahardar @ Pankaj Kumar (petitioner) and Md. Harun. On search, total 353 kg ganja was recovered from the trolley of the tractor.

4. The learned Senior counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and from mere perusal of the FIR, it is evident that the petitioner was sitting on the engine of the tractor and hence the recovery was not made from conscious possession of the petitioner. It has further been submitted by the learned senior counsel for the petitioner that the petitioner is neither the owner nor the driver of the alleged tractor trolley and it has been alleged in the FIR that the driver of the tractor had jumped and fled away. The learned senior counsel has further submitted that as far as the ceased contraband alleged to be ganja has not yet been confirmed by the F.S.L. report and without such report, chargesheet has already been submitted on 21.01.2025. It has next been submitted that in view of the various judicial pronouncements wherein the Hon'ble Supreme Court had observed that filing of incomplete chargesheet without completing the investigation and in absence of the F.S.L. report confirming the seizure of ganja, the submission of chargesheet was defective and the accused person should be



given the liberty of bail as the said chargesheet should not be considered a chargesheet in the eyes of law. The learned senior counsel has further submitted that the petitioner carries clean antecedent and he is in custody since 30.07.2024.

5. The learned A.P.P. for the State submits that a huge quantity of 353 kg of ganja was recovered from trolley upon which the petitioner and other accused were travelling and they were apprehended from the place of occurrence.

6. Considering the aforesaid submissions made by the parties and taking into account the fact that the petitioner carries clean antecedent and also that the alleged recovery was not made from the conscious physical possession and also the fact that till date the F.S.L. report is not there to confirm the said seized material to be narcotic substance, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, 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 the court of learned Session Judge-cum-Special Judge, NDPS Act, Araria, in connection with Bathnaha P.S. Case No. 83 of 2024, subject to the following conditions:-



(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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