

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39920 of 2025

Arising Out of PS. Case No.-356 Year-2024 Thana- TEGHRHA District- Begusarai

Gaurav Kumar S/O Late Kamdeo Singh R/O Village- Rajaura, P.S-
Muffasil, Dist.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-10-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection
with Teghra P.S. Case No. 356 of 2024 registered for the
offences under Sections 8, 20(B)(ii)(c) of the N.D.P.S. Act.

3. The accused/petitioner is named in the First
Information Report and is in custody since 23.10.2024.

4. Allegation against the petitioner is to have in
possession of 159.330 kg. of Ganja.

5. It is submitted by learned counsel appearing on
behalf of the petitioner that petitioner was traveling with his
Scorpio bearing Registration No. BR09PA-8181 and so as he
reached to Murli Toll Plaza, by that time one Swift Desire



Car bearing Registration No. BR01CE-1626 also arrived there. It is pointed out that said Swift Desire car was found carrying the contraband, but for the reason best known to the police, the petitioner, who was traveling in his own vehicle, was implicated falsely with the present case. It is submitted that even the charge-sheet was submitted incomplete to defeat the right of default bail in view of Section 167(2) of Cr.P.C /187(2) of BNSS.

6. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Divyas Bardewa vs. Narcotics Control Board** reported in **2023 SCC OnLine SC 742**, wherein the matter for consideration of incomplete charge-sheet is pending before the Hon'ble Supreme Court for larger consideration. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

7. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that petitioner was found sitting in the car from where the contraband was recovered which was much beyond commercial quantity of 20 kg., but fairly conceded that incomplete charge-sheet was



submitted against the petitioner as same was submitted without obtaining FSL report, ascertaining whether seized contraband was Ganja or not.

8. In view of aforesaid submission and by taking note of the fact as the charge-sheet against the petitioner was submitted without obtaining FSL report, where petitioner remains in custody since 23.10.2024 and further by taking note of ***Divyas Bardewa case (supra)***, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, NDPS, Begusarai/concerned court, in connection with Teghra P.S. Case No. 356 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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