

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35775 of 2025**

Arising Out of PS. Case No.-180 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

Pankaj Kumar S/o Durga Prasad R/o Vill- 40a/48 Telbigha Road Ashok Trail  
Murli Pahari, P.S.- Kotwali, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Thakur, Adv

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

5      08-10-2025                      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  
  
Makhdumpur (Tehta) P.S. Case No. 180 of 2024 registered for the  
  
offences under Sections 8, 20 (b) (ii) (c), 25 and 29 of the NDPS  
  
Act.

3. The petitioner is not named in the F.I.R. and is in  
  
custody since 25.03.2025.

4. The allegation against the petitioner is to have in  
  
possession of 45.200 kilograms of contraband/ganja along with  
  
other co-accused person which was seized by police from Swift  
  
Dzire Car bearing reg no. BR 06 BH 3771 on Patna Gaya Road.

5. Mr. Ajay Thakur, learned counsel appearing on behalf



of the petitioner submitted that car bearing reg no. BR 06 BH 3771 was found carrying consignment of contraband was sold one week prior to the alleged occurrence i.e., on 04.04.2024 through agreement duly notarized (annexure 3 of the present petition). It is submitted that vehicle in issue was sold to one Manoj Kumar through said agreement, who was apprehended with vehicle while carrying consignment. It is pointed out that occurrence took place after 7 days of the agreement, therefore, process of transfer of registration certificate was not made before the transport agency. It is submitted that said contraband was not recovered from the physical possession of this petitioner.

6. It is further submitted that entire implication is based upon presumption as police presumed that seized material was ganja. It is submitted that no primary detection was made at the time of seizure and, moreover, charge-sheet was submitted without obtaining FSL report, ascertaining seized contraband as ganja. It is submitted that in view of same charge-sheet was submitted only to prevent petitioner to obtain default bail under Section 167 of the Cr.P.C./Section 187 of BNSS. It is submitted that in view of incomplete charge-sheet petitioner deserves bail in view of **Divyas Bardewa Vs. Narcotics Control Bureau** through **SLA (Cri.) No. 11628 of 2022**. While concluding the



argument it is submitted that, petitioner is a man of clean antecedent.

7. Learned APP appearing on behalf of the State, while opposing the prayer for bail could not disputed aforesaid factual submission as advanced by learned counsel for the petitioner.

8. In view of aforesaid factual submission and by taking note of fact as incomplete charge-sheet against petitioner was submitted without obtaining FSL report, coupled with the fact as petitioner remains in custody since 25.03.2025, accordingly above named petitioner, is directed to be released on bail in connection with Makhdumpur (Tehta) P.S. Case No. 180 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 Sessions Judge, Jehanabad/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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