

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52239 of 2025

Arising Out of PS. Case No.-285 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Birju Kumar, S/o Uma Shankar Das, R/o Village-Chak Bijgani Chaksakra,
Dighi Kala (W), P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Nand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-12-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Hajipur Town P.S. Case No.285 of 2024 registered for
the offences punishable under Sections 393, 403, 412 of the
Indian Penal Code (in short ‘IPC’) and Sections 25(1-B)a, 26
and 35 of the Arms Act as well as Sections 8, 20-B(ii)(c), 29
of the Narcotic Drugs and Psychotropic Substances Act (in
short ‘N.D.P.S. Act’).

3. The accused/petitioner is named in the FIR and
is in custody since 06.05.2024.

4. Allegation against petitioner is to have in



possession of 1.140 gms of *charas*.

5. It is submitted by learned counsel appearing for petitioner that alleged recovery not appears to be made from conscious physical possession of this petitioner and moreover the compliance of sampling, seizure and search also not appears to be followed in its true spirit as provisioned under N.D.P.S. Act, 1985. It is submitted that in present case, the charge-sheet was submitted without obtaining F.S.L. report just to defeat the legal right of petitioner as available under Section 167(2) of the Code of Criminal Procedure (in short 'CrPC)/under Section 187(2) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') and, therefore, the charge-sheet was incomplete in itself. It is submitted that on the ground of incomplete charge-sheet, the petitioner deserves interim bail as this matter is for larger consideration before Hon'ble Supreme Court in the matter of **Divyas Bardewa vs. NCB**. While concluding argument, it is submitted that on all material aspects the investigation of this case is concluded and there is no chances of tampering with evidence.

6. In view of aforesaid, a report was also called for



from the learned trial court, which made available to this Court through Letter No.115/2025 dated 13.11.2025, which speaks that till 13.11.2025, F.S.L. report was not submitted by the investigating authority and, therefore, the matter is still pending for framing of charge.

7. Learned APP while opposing the prayer of bail could not disputed the aforesaid factual submissions.

8. In view of facts and circumstances, as charge-sheet in this case was submitted incomplete, as discussed aforesaid, coupled with the fact that despite of custody for about one and a half years even charge could not framed against petitioner, which is sufficient to suggest that the trial of this case is not likely to conclude in near future, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-I-cum-Special Judge, N.D.P.S. Act, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.285 of 2024, subject to the conditions as laid down under Section 437(3) of



the CrPC/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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