

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53391 of 2025**

Arising Out of PS. Case No.-40 Year-2024 Thana- BHANGHA District- West Champaran

Bal kanhai Raut Kurmi S/o Ramagya Kurmi R/o Vill.- Pindari, P.S. - Serwa,  
Dist.- Parsa, Nepal

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

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

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA**  
**ORAL ORDER**

2      11-08-2025                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Bhangha P.S. Case No. 40 of 2024 registered for the offence punishable under Sections 8/20 (b) (ii) (c)/ 21(c)/ 22(c)/ 23(c)/ 28/29 of the NDPS Act.

3. The prosecution story, in brief, is that an FIR has been registered on information of one Rahul Prasad Manjhi, SI posted at Bhangha PS. He got secret information that one person in coming from Nepal. He intimated to the higher authorities and at around 12:40 PM, he saw a motorcycle with high speed coming from village *Vijaybasti* of Nepal. On indication to stop, the driver started running away leaving the motorcycle. He was intercepted and was asked the reason why he was running away.



It is further alleged that upon search of *tanki* of motorcycle, eighteen packets containing 500 gms *charas* each amounting to nine kg of *charas* was recovered. It is also alleged that he was arrested in presence of two witnesses and the petitioner was the driver of the vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that a charge-sheet was filed in this case on 23.08.2024 but without FSL Report and hence the petitioner was entitled to default bail after the lapse of 90 days from 17.05.2025, when the petitioner was taken into judicial custody. He further submits that the learned Court below has failed to appreciate that filing of charge-sheet without FSL Report tantamounts to non-filing of the charge-sheet and, therefore, the petitioner should have been granted default bail. He further submits that the charge-sheet without FSL Report was filed merely to defeat the benefit of default bail to the petitioner.

5. On the other hand, learned APP appearing for the State opposes the prayer for regular bail of the petitioner.

6. By now, it is well settled that filing of charge-sheet without FSL Report in cases relating to NDPS tantamounts to



non-filing of the charge-sheet and the petitioner could not have been denied the benefit of default bail after the lapse of 90 days from 17.05.2024.

7. Considering this aspect of this matter, the Court is of the view that the petitioner should not have been kept in custody once incomplete charge-sheet was filed without FSL Report and it is held that the filing of incomplete charge-sheet without FSL Report in NDPS cases is no charge-sheet in the eyes of law. Considering the aforesaid, this bail application is allowed, let the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhangha P.S. Case No. 40 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 without substantial reason or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled



by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the prayer for bail is allowed.

**(Alok Kumar Sinha, J)**

Gaurav Sinha/-

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