

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1472 of 2026

Arising Out of PS. Case No.-142 Year-2025 Thana- RAMGARHWA District- East
Champaran

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Anup Yadav @ Anoop Yadav @ Anup Kumar Yadav Son of Khemlal Yadav
Resident of Village- Salaiya, P.S.- Bashishth Nagar, Jori, District- Chatra,
(Jharkhand)- 825403

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohd Rustam Hussain, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 29-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner has filed a supplementary affidavit and in Paragraph '7' of the affidavit it is written that P.S. of petitioner is Bashishth Nagar **Jori** and not **Tori**. Learned counsel for the petitioner has submitted that this defect may be ignored.

3. As such, the defect in Paragraph '7' of the supplementary affidavit is ignored and the P.S. of petitioner should be read as **Jori** in place of **Tori**.

4. The petitioner has prayed for regular bail in connection with N.D.P.S. Case No. 161 of 2025 arising out of Ramgarhwa P.S. Case No. 142 of 2025 registered for the offence punishable under Sections 8, 18, 21(C), 22(C) and 29 of the



Narcotic Drugs and Psychotropic Substance (in short 'N.D.P.S.') Act, 1985.

5. The case of the prosecution, in short, is that police received a secret information that four persons are sitting in an orchard and they are having talks regarding sale and purchase of *opium*. On this information, two persons were apprehended by the police, namely, Arjun Paswan and Mantu Paswan and from their possession 4 kg of *opium* like substance were recovered.

6. Learned counsel appearing on behalf of the petitioner has submitted that the name of this petitioner has been disclosed by the apprehended two accused persons. Learned counsel for the petitioner has further submitted that nothing has been recovered from the possession of the petitioner rather the recovery, if any, has been made from the possession of co-accused persons. It has also been submitted that in this case police has submitted charge-sheet without FSL. Learned counsel for the petitioner has submitted that the prayer of the petitioner is two fold. First is that nothing has been recovered from the possession of this petitioner and second is that charge-sheet has been filed without FSL report. Moreover, the petitioner is languishing in judicial custody since 12.05.2025.

7. Learned counsel for the petitioner has further



submitted that this case is squarely covered with the order passed by the learned co-ordinate Bench of this Court in **Cr. Misc. No. 65898 of 2023**, wherein the Bench has opined that from reading of Section 36(a) sub-clause 4 of the NDPS Act, it appears that in the case of offence punishable under Section 19 or Section 24 or Section 27(a) or for offences involving commercial quantity, the charge-sheet can be submitted within 180 days and if the charge-sheet is not submitted within 180 days, the accused person is entitled for default bail. The proviso to Section 37(a) speaks that public prosecutor may take an extension of time for filing the charge-sheet and 180 days time can be extended for a period up to one year. After the public prosecutor files that progress report of the investigation and gives specific reasons for detention of the accused beyond the said period of 180 days.

8. In the present case, the Additional Public Prosecutor for the State has not filed any application for extension of period of the charge-sheet and the charge-sheet as per the contention of the petitioners has been filed without FSL report.

9. Learned APP appearing for the State has opposed the prayer of regular bail.



10. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the court of learned Exclusive Special Judge court no.1 under NDPS Act, East Champaran at Motihari in connection with N.D.P.S. Case No. 161 of 2025 arising out of Ramgarhwa P.S. Case No. 142 of 2025.

11. Learned counsel for the petitioner has prayed that one of the bailor should be close relative of the petitioner.

12. The prayer of the learned counsel for the petitioner is accorded.

(Ashok Kumar Pandey, J)

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