

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6308 of 2025

Arising Out of PS. Case No.-202 Year-2024 Thana- FORBESGANJ District- Araria

Md. Masil @ Masil S/O Late Kallar R/O Village - Rampur, uttar Ward no. -11, P.S- Forbesganj, District- Araia, Bihar- 854318

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Singh, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 19-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. A prayer for bail has been made on behalf of the petitioner in connection with Forbesganj P.S. Case no.202 of 2024 registered under section 21C of the Narcotic Drugs and Psychotropic Substance Act.

3. There is a recovery of 6.7 liters of cough syrup containing codeine from the house of petitioner.

4. Learned counsel for the petitioner submits that earlier the prayer for bail was rejected vide order dated 03.10.2024 passed in Cr. Misc. No. 38312 of 2024. It is further submitted that the search and seizure were conducted in gross violation of Sections 41 and 42 of the NDPS Act. It is also contended that the charge-sheet was submitted and charges were



framed without the FSL report being brought on record and the trial has proceeded in absence thereof, which is stated to be wholly illegal. In support of the said contention, reliance has been placed upon the judgment of this Court in ***Ram Babu Yadav vs. State of Bihar [Cr. Misc. No. 21326 of 2021]***, wherein it has been observed that custody of an accused in a case under the NDPS Act may not be legal in absence of the FSL report. Learned counsel has also referred to a Division Bench judgment of the Punjab and Haryana High Court, wherein it has been held that in absence of the FSL report, the challan would be incomplete, and it would be draconian to subject an accused to trial without determination of the nature and contents of the alleged contraband. It is further submitted that charge-sheet witnesses have been examined on behalf of the prosecution, however, the trial has not yet concluded and may linger for want of the FSL report. The petitioner has no criminal antecedent and he is in custody since 15.03.2024.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Taking into consideration the aforesaid facts and circumstances of the case, particularly when the trial has reached almost at its fag end and all the charge-sheet witnesses



have already been examined, coupled with the fact that commercial quantity of cough syrup containing codeine has been recovered from the house of the petitioner, this Court is not inclined to enlarge the petitioner on bail.

7. The learned trial Court is directed to expedite the trial and conclude the same preferably within a period of four months.

(Soni Shrivastava, J)

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