

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5112 of 2026

Arising Out of PS. Case No.-206 Year-2025 Thana- Lakho District- Begusarai

English Kumar @ English Kumar, Son of Arun Yadav, Resident of village-
Nanhakumandal Tola/ Nanhkumandal Tola, Ward no. 11, PS -Muffasil, Dist-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ataul Haque

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with
NDPS Case No. 72 of 2025 arising out of Lakho P.S. Case No. 206
of 2025 registered for the offence punishable under Sections 8,
20(b)(ii)(B), 22(b) and 29 of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that two
bikers on a bike were apprehended by police. One of them
managed to escape and on that bike, two bags were found. A
backpack was with the petitioner and from that backpack,
altogether 1.998 Kg. of ganja was recovered and from the other
bag, 8.49 Kg. of ganja was recovered.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no



offence. He has been falsely implicated in this case. Learned counsel for the petitioner has submitted that from his possession only 2 Kg. of ganja was recovered. The seizure list witnesses are police personnel. Police has not complied Section 105 of B.N.S. while making the seizure. It has further been submitted that from perusal of the charge-sheet it will transpire that police has filed charge-sheet without without FSL report. Petitioner is having no criminal antecedent and he is languishing in judicial custody since 09.10.2025.

5. Learned counsel for the petitioner has relied on an order passed by this Court in Cr. Misc. No. 57651 of 2025 and in that order, this Court has relied on an order of learned Co-ordinate Bench of this Court passed in **Cr. Misc. No. 65898 of 2023**, wherein the Co-ordinate 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. In the present case, the Special Public Prosecutor has not filed any application for extension of period of the charge-sheet and the charge-sheet as per the contention of the petitioners have been filed without FSL report.

7. The application for bail is opposed by learned APP for the State.

8. 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 learned District and Additional Sessions Judge-1st-cum-Spl. Judge, NDPS Act and P.O of Children Court, Begusarai in connection with NDPS Case No. 72 of 2025 arising out of Lakho P.S. Case No. 206 of 2025.

(Ashok Kumar Pandey, J)

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