

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11032 of 2026

Arising Out of PS. Case No.-28 Year-2025 Thana- Bathnaha District- Araria

Niraj Kumar Paswan @ Neeraj Kumar Paswan @ Neeraj Kumar S/o Bahadur
Paswan R/o Village - Jimrahi, Ward No. 2, P.S - Bathnaha, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Advocate Mr. Arvind Kumar, Advocate Mr. Abhishek Bharti, Advocate
For the Opposite Party/s :		Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 8 and 20(b) (ii)(c) of the Narcotic Drugs and Psychotropic Substances (in short 'NDPS') Act, 1985.

3. The case of the prosecution, in short, is that below a *machaan* from two gunny bags, altogether 28 kg of *ganja* like intoxicant was recovered.

4. Learned counsel for the petitioner submits that earlier the bail petition of the petitioner was rejected vide order dated 01.09.2025. Learned counsel has filed this petition as similarly situated accused of another case has been granted bail



by this Court vide Cr. Misc. No. 81118 of 2025 dated 29.01.2026 having identical circumstances.

5. Learned counsel for the petitioner has submitted that in this case charge-sheet was filed without the FSL report. Learned counsel for the petitioner has further submitted that nothing has been recovered from the possession of this petitioner. Learned counsel for the petitioner has further submitted that as the witnesses of the seizure list are police personnel, they have not complied Section 105 of the BNSS. Learned counsel for the petitioner has further submitted that the petitioner is having no criminal antecedent and he is languishing in judicial custody since 05.04.2025.

6. Learned counsel for the petitioner submits that his prayer is two fold; first is that nothing has been recovered from the conscious possession of this petitioner and second is that the charge sheet has been filed without FSL report.

7. In this regard, learned counsel for the petitioner has relied on an order of this Court passed in Cr. Misc. No. 84487 of 2024 and in that order, this court has relied on an order of the learned co-ordinate Bench of this Court passed in Cr. Misc. No. 65898 of 2023 wherein the learned 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 petitioner has been filed without FSL report.

8. Learned Additional Public Prosecutor for the State has vehemently opposed the bail.

9. 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 released on bail in connection with Spl (NDPS) Case No. 135 of 2025 arising out of Bathnaha P.S.



Case No. 28 of 2025 on furnishing bail bond of 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Araria.

(Ashok Kumar Pandey, J)

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