

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21867 of 2026

Arising Out of PS. Case No.-501 Year-2025 Thana- Excise P.S. District- Aurangabad

Sonu Kumar Ray, S/o Sheo Kumar Ray @ Shiv Kumar Ray, R/o Village -
Bhawani Tola, P.O - Rampur Diyara, P.S - Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr.Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 07-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Madya Nished Excise P.S. Case No. 501 of 2025 registered for the offence punishable under Sections 20(b) and 22 of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that from a Tata Nexon Car, altogether 77.760 Kg. of ganja was recovered. As per the case of the prosecution, after seeing the police, two persons from the car started fleeing away. They were identified as Sonu Kumar Ray and Chhotu @ Prince.

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. It has further been submitted that in F.I.R. also this petitioner has disclosed that he has taken lift in that car. It has further been submitted that earlier the bail petition of this petitioner was rejected by this Court vide order dated 24.09.2025 passed in Cr. Misc. No. 68121 of 2025 with an observation that petitioner may renew his prayer for bail after six months if the trial is not concluded. It has further been submitted by learned counsel for the petitioner that till today, only charge has been framed. Further submission of learned counsel for the petitioner is that from perusal of Annexure-P/3, the charge-sheet, it will transpire that charge-sheet was filed without the F.S.L. report. Learned counsel for the petitioner has submitted that his prayer is two fold. First is that he has only taken lift in that car and nothing has been recovered from his possession and second is that the charge-sheet has been filed without the F.S.L. report. Petitioner is languishing in judicial custody since 11.05.2025.

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.

6. Learned APP appearing for the State has vehemently opposed the application for bail.

7. 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
Principal District and Sessions Judge, Aurangabad in connection
with Madya Nished Excise P.S. Case No. 501 of 2025.

(Ashok Kumar Pandey, J)

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