

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32667 of 2026

Arising Out of PS. Case No.-427 Year-2025 Thana- BIRPUR District- Supaul

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Raj Kumar Sharma S/o Domilal Sharma @ Domi Lal Sharma Resident of
Village- Jagir, Ward No. 13, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 13-05-2026 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 8/20 (b) (ii) (c) and 29 fo the NDPS Act.

3. The case of the prosecution, in short, is that from a the house of the petitioner, altogether 38.5 kg of ganja was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that nothing has been recovered from the possession of this petitioner. Learned counsel for the petitioner has further submitted that the witnesses of the seizure list are police personnel and police have



not complied Section 105 of the BNSS while preparing the seizure list. In this case, the I.O. has filed charge sheet without the FSL report which is apparent from Annexure-2 wherein I.O. has recorded that the charge sheet is filed awaiting FSL report from Bhagalpur and CSSL, Hyderabad. Moreover, the petitioner is languishing in judicial custody since 16.12.2025 having no criminal antecedent.

5. Learned counsel for the petitioner has further 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.

6. 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 Birpur P.S. Case No. 427 of 2025 on furnishing bail bond of 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge, N.D.P.S., Supaul.

(Ashok Kumar Pandey, J)

Shubham/-
Sneha/-

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