

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33718 of 2026

Arising Out of PS. Case No.-536 Year-2024 Thana- SIWAN CITY District- Siwan

Sani Kumar Yadav @ Sunny Kumar Son of Gautam Kumar Yadav @ Gautam Yadav Resident of Village- Laxmipur (Aandar Dhala), P.S.- Siwan Town, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sarvesh Kashyap, Advocate Mr.Deepak Kumar, Advocate Ms.Kumari Aakansha Rai, Advocate
For the State	:	Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-07-2026 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Siwan Town P.S. Case No. 536 of 2024 registered for the offences under Sections 8, 20(B)(II)(C), 23(C)/25/29 of the N.D.P.S. Act.

3. The accused/petitioner is named in the First Information Report and is in custody since 02.10.2024.

4. As per FIR, total 4.294 Kg. of Charas, which was kept in nine packets, was recovered from the house of co-accused Shiv Kumar Yadav, who is co-villager of this petitioner, where at the time of raid this petitioner was present in the house of Shiv Kumar Yadav coincidentally and, therefore, he was also



arrested in connection of present recovery of contraband.

5. It is submitted by learned counsel appearing on behalf of the petitioner that admittedly the contraband was recovered from the house of Shiv Kumar and as a matter of chance, being co-villager, this petitioner was present there and implicated with the alleged recovery of contraband i.e. Charas without any connecting material.

6. It is pointed out that as the petitioner found involved in three more criminal cases of petty nature, which are related with Excise, he was implicated with the present recovery of contraband i.e. Charas without having any cogent materials just with oblique motive.

7. It is submitted that though the investigation can continue in the case of recovery of commercial quantity for 180 days and even more with permission of the court, in the present case the charge-sheet was submitted within 90 days without obtaining FSL report of seized contraband just to frustrate the cause of default bail of the petitioner.

8. It is pointed out that this issue is pending for larger consideration before Hon'ble Supreme Court and, therefore, till final adjudication of the matter, the petitioner be enlarged on bail. In support of his submission, learned counsel relied upon



the legal report of Hon'ble Supreme Court as available through **Divyas Bardewa Vs. Narcotics Control Bureau** reported in **2023 SCC OnLine SC 742**.

9. Arguing further, it is submitted that interestingly after filing of charge-sheet, FSL report was made available to learned trial court by FSL Laboratory, Muzaffapur through Report No. 1979/2024 dated 01.06.2026, where it is categorically stated that the polythene packets marked 'SO' contained 7.99g greyish brown solid substance, but there was no narcotic drugs and/or psychotropic substance. It is submitted that in view of this report, it can be said beyond doubt that the seized materials from the house of co-accused Shiv Kumar Yadav, in connection of which this petitioner was apprehended, was not narcotic drugs or psychotropic substance like Charas as alleged.

10. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

11. In view of aforesaid factual submission and by taking note of the fact as FSL report categorically suggest that seized sample of contraband was neither narcotic drugs nor psychotropic substance like Charas, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties



of the like amount each to the satisfaction of learned District & Additional Sessions Judge-1st-cum-Special Judge, Siwan/ concerned court, in connection with Siwan Town P.S. Case No. 536 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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