

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41215 of 2026

Arising Out of PS. Case No.-1021 Year-2025 Thana- KATIHAR NAGAR District- Katihar

Shekhar Singh Son of Late Nand Lal Singh Resident of village - Larkaniya
Tola, P.S.- Katihar Town, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate Mr. Purushottam Kumar, Advocate Mr. Deepak Kumar, Advocate Mr. Abhijeet Kumar, Advocate Mr. Raghvendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 29-06-2026 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)/20 of the Narcotic Drugs and Psychotropic Substances (in short 'NDPS') Act, 1985.

3. The case of the prosecution, in short, is from the possession of this petitioner altogether, 38.183 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 they have not complied Section 105 of the BNSS while preparing the seizure list. In this case, police have filed charge sheet without the FSL report and even learned trial court has taken cognizance without the FSL report which is apparent from the supplementary affidavit wherein the certified copy of the order sheet of the learned trial court has been filed. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 16.10.2025.

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 Katihar Town P.S. Case No. 1021 of 2025 on furnishing bail bond of 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned D.A.S.J. III, Katihar.

(Ashok Kumar Pandey, J)

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