

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41180 of 2026

Arising Out of PS. Case No.-77 Year-2026 Thana- BEGUSARAI TOWN District- Begusarai

Swati Devi S/o Late Vijay Yadav Resident of Village-South Badi Ballia, P.S.-
Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate
		Mr. Amit Prakash, Advocate
For the Opposite Party/s :		Mr. Lalan Kumar, 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 bail in connection with NDPS Case No. 19 of 2026 arising out of Begusarai Town P.S. Case No.77 of 2026 registered for the offence punishable under Sections 8, 20(b)(ii)(B) of the NDPS Act.

3. The case of the prosecution, in short, is that from possession of this petitioner altogether 15 kg of *ganja* was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that nothing has been recovered from the possession of the petitioner. It has further been submitted that the witnesses of the seizure list are police personnel and



police have not complied Section 105 of the BNSS while making seizure. It has further been submitted that police have submitted charge-sheet without FSL report. It has further been submitted that the alleged recovery of the contraband is though more than small quantity but is less than commercial quantity. It has been submitted that the petitioner is having no criminal antecedent and she is in judicial custody since 15.02.2026.

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. The application for bail is opposed by learned APP for the State.

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 court of learned District and Additional Sessions Judge 1st cum-Special Judge, NDPS Act & P.O. of Children court, Begusarai in connection with NDPS Case No. 19 of 2026 arising out of Begusarai Town P.S. Case No.77 of 2026.

(Ashok Kumar Pandey, J)

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