

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47159 of 2026

Arising Out of PS. Case No.-975 Year-2025 Thana- MANER District- Patna

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Pritam Kumar S/O Pawan Kumar R/O Saray Mohalla, P.O. and P.S.- Maner,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Mohit Raj, Advocate
		Mr. Saroj Kumar Chaudhary, Advocate
		Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 10-07-2026 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 111(2)(a) of BNS, 8(c), 18(b), 21(c), 22(b), 22(c), 30, 31 of NDPS, 25(1-B) (a), 26, 35 Arms Act and 30 (a) Bihar Excise Act.

3. The case of the prosecution, in short, is that from the purse of this petitioner altogether 10.20 grams of smack like contraband and from the dashboard of the ERTIGA Car which belongs to the petitioner altogether 3.10 grams of smack like contraband and from a house where he has hidden himself altogether 347.79 grams of smack like contraband 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 this recovery of the contraband has been made from three places; one is from the purse, second is from the car and third is from the house where the petitioner has hidden. It has further been submitted that from the perusal of the seizure list, it will transpire that the house from where 347.79 grams of smack was recovered does not belong to the petitioner. As per seizure list, this house was situated near the house of one Reena Rai. Even prosecution case is not that the house belongs to him. Learned counsel for the petitioner has submitted that apart from this, in this case, the I.O. has filed charge sheet without the FSL report. Moreover, a statement has been made in para-3 of the petition that the petitioner is having no criminal antecedent and he is languishing in judicial custody since 28.12.2025.

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. As such it is a case of default bail.

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 Maner P.S. Case No. 975 of 2025 on furnishing bail bond of 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Session Judge/



Special Judge, NDPS Act, Patna.

(Ashok Kumar Pandey, J)

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