

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57651 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- RAXAUL District- East Champaran

Pradeep Kumar Gupta S/o Motilal Sah R/o Village- Basti Sewra, Pachnahiya,
Ward No.8, P.S.- Palnawa, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Narcotic Control Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 29-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Raxaul P.S. Case No. 88 of 2025/ N.D.P.S. G.R. Case No. 34 of 2025 registered for the offence punishable under Sections 20(B)(ii)(C), 23(C), 25 and 29 of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that altogether 45.354 kg of *ganja* was recovered from a car.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner has submitted that as per the case of the prosecution, the driver of the vehicle started



to flee away but he was apprehended by police with a car having its registration no. DL3CAL-4879. It has further been submitted that petitioner is neither the driver nor the owner of the car rather he is a passerby and has been implicated in this case. It has also been submitted that from perusal of the F.I.R. it will transpire that it is the case of the prosecution that *ganja* like contraband was recovered from the car. It has also been submitted that from perusal of the F.I.R. it is clear that police was not even having the kit to enquire whether the seized material is *ganja* or not. It has also been submitted that in this case charge-sheet has been filed without FSL report. Petitioner is having no criminal antecedent and he is languishing in judicial custody since 26.02.2025.

5. The report was called from the learned trial Court regarding FSL. Learned trial Court has sent a report from perusal of which it is clear that FSL report is not available on the record. It means the charge-sheet was filed without the FSL report.

6. Learned counsel for the petitioner has relied on a case passed by the learned Co-ordinate Bench of this Court in **Cr. Misc. No. 65898 of 2023**, wherein the 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 petitioners have been filed without FSL report.

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

8. 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 learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with Raxaul P.S. Case No. 88 of 2025/N.D.P.S. G.R. Case No. 34 of 2025.

(Ashok Kumar Pandey, J)

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