

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50152 of 2026

Arising Out of PS. Case No.-116 Year-2024 Thana- JOGBANI District- Araria

Pradeep Yadav S/o Late Ashok Yadav R/o Village- Fatehpur Ward No. 13,
P.S- Narpatganj, Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 21-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail registered for the
offence punishable under Sections 20(b)(ii)(C) of the N.D.P.S.
Act.

3. The case of the prosecution, in short, is that
altogether 3 persons were apprehended in a car and from their
possession 39 kg of *ganja* was recovered.

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. He also submits that the name of the present petitioner has
surfaced in this case during investigation. It is found that the
owner of the said sold car to Maa Ambey Automobile and from



Maa Ambey Automobile, this petitioner has purchased the theft car. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. The witnesses of the seizure list are police personnel and the police have not complied with Section 105 of the BNSS while making the seizure. Learned counsel further submits that in this case, charge-sheet was filed without an *FSL* report.

5. The prayer of the learned counsel for the petitioner is twofold: (i) that nothing has been recovered from the possession of the petitioner; and (ii) that the charge-sheet has been submitted without the FSL report. Learned counsel for the petitioner further submits that the petitioner has no criminal antecedents and he has been languishing in judicial custody since 03.06.2026.

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. Without the FSL report, it cannot be ascertained that the seized material is contraband or not. Without ascertaining, this Court cannot proceed against the accused.

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-cum-Special Judge, NDPS Act, Araria in



connection with Jogbani P.S. Case No. 116 of 2024.

(Ashok Kumar Pandey, J)

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