

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64537 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- TIKAPATTI District- Purnia

Manoj Kumar Jaiswal S/o Late Ramkishun Jaiswal, R/o Village - Simra, P.S -
Tikapatti, District - Purnea, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Vishal Vikram Rana, Advocate Ms. Misha Bharti, Advocate Mr. Utkarsh Vikram Rana, Advocate Mr. Akash Priye, Advocate Mr. Kumar Saurav Dev, Advocate
For the Opposite Party/s :	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Tikapatti P.S. Case No. 08 of 2025 registered for the offences

under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act.

3. The petitioner is named in the F.I.R. and is in

custody since 11.04.2025.

4. As per FIR, total of 31.883 kilograms of *ganja*

was recovered from the house of petitioner.

5. Learned counsel appearing on behalf of the

petitioner submitted that name of this petitioner dragged in

the present FIR due to dirty village politics. It is pointed out



that as per FIR some *ganja* like substance was recovered which even without any preliminary examination confirming that same was *ganja* was seized and sealed. It is submitted that even without any confirmation test that contraband was *ganja*, a sample was drawn and sent for forensic examination and even without obtaining the FSL report, the charge-sheet was submitted against petitioner, who is otherwise a man of clean antecedent.

6. Travelling further in argument, it is pointed out by learned counsel that in fact it is also a case of default bail because incomplete charge-sheet is not a charge-sheet in terms of law and, therefore, considering the legal report of Hon'ble Supreme Court as available through **Divyas Bardewa vs. Narcotics Control Bureau [2023 SCC OnLine SC 742]**. this petitioner is entitled for bail. It is pointed out by learned counsel that cognizance was taken without having FSL report on record. While concluding the argument, it is submitted that investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.



7. Learned APP appearing on behalf of the State while opposing the prayer for bail submitted that now FSL report is available on record, which is fixed for framing of charge, however he conceded that charge-sheet was submitted without obtaining FSL report. It is also conceded that FIR is not suggesting prima-facie any preliminary test to ascertain seized material as *ganja* before sending sample for its forensic examination.

8. In view of aforesaid facts and circumstances, as mentioned above, and by taking note of fact as admittedly charge-sheet in this matter submitted without FSL report in the background that sampling was done without any preliminary test ascertaining prima-facie that the seized item was *ganja*, making entire prosecution doubtful on its face, coupled with the fact as petitioner is a man of clean antecedent, who remains in custody since 11.04.2025, accordingly, above named petitioner, is directed to be released on bail in connection with Tikapatti P.S. Case No. 08 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge (NDPS Act),
Purnea/concerned court, subject to the conditions as
mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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