

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79133 of 2025

Arising Out of PS. Case No.-432 Year-2024 Thana- MOTIPUR District- Muzaffarpur

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1. Ramvaran Singh Son of Chhannu Singh Resident of village- Katethi Kanpur Dehat PS- Gajner District -Kanpur State -Uttar Pradesh
 2. Naresh Kumar Son of Horilal Sankhwar Resident Of Village- Golauli Saray, Ps- Mussangar, Dist- Kanpur, State -UP

... .. Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Home, Narcotics Drug control Bureau, Delhi New Delhi
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Mishra, Advocate Mr. Sujeet Kumar, Advocate Mr. Sonu Singh, Advocate
For the UOI	:	Mr. Dr. Krishna Nandan Singh (A.S.G.) Mr. Niraj Kumar Sinha, Sr. S.C.G. Mr. R. Sahay, Sr. C.G.C. Mr. Arvind Kumar, C.G.C.
For the State	:	Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 16-03-2026 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the Union of India.

2. The petitioners have prayed for bail in connection with NDPS Case No. 23 of 2025 arising out of Motipur P.S. Case No. 432 of 2024 registered for the offence punishable under Sections 317(5) of BNS and Sections 8, 20(b)(ii)(b) C of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that from a truck, altogether 367.900 kg of ganja was recovered. The



petitioners are said to be the driver and co-driver of the said truck.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. Nothing has been recovered from their conscious possession and they are ignorant of the alleged contraband. Petitioners are having no criminal antecedent and they are languishing in judicial custody since 18.12.2024. Learned counsel has further submitted that from perusal of the diary, it will transpire that I.O. has submitted charge sheet on 16.03.2025 without the FSL report as it is clear from the FSL Report that the same was received in trial court on 03.12.2025. Moreover, they are in custody since 18.12.2024.

5. Learned counsel for the petitioners has relied on an order passed by this Court in Cr. Misc. No. 57651 of 2025 and in that order, this Court has relied on an order of learned Co-ordinate Bench of this Court passed 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.

6. The application for bail is opposed by learned APP for the State and learned counsel for the Union of India.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, NDPS-II, Muzaffarpur in connection with Motipur Case No. 432 of 2024.

(Ashok Kumar Pandey, J)

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