

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81118 of 2025

Arising Out of PS. Case No.-162 Year-2025 Thana- BHAPTIAHI District- Supaul

Devchandra Sardar S/o- Munilal Sardar Resident of Village- Gauripatti,
Panchayat- Dholi, P.S. and P.O.- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 29-01-2026 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 section 8/20 (b) (ii) (c) of the N.D.P.S. Act.

3. The case of the prosecution is that a from the bushes, altogether 106.5 K.G. Ganja like substance was recovered. The police received information that the miscreants were involved in smuggling contraband articles. Acting upon this information, the police conducted a raid at the place of occurrence and found that the contraband was kept in five sacks. Upon opening the sacks, 52 plastic packets were recovered. At that time, the petitioner was allegedly coming out from the bushes.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is further submitted that the allegedly recovery of 'ganja' has not been made from the conscious possession of this petitioner. It is also submitted that it is not possible for the petitioner to carry such a huge amount of 'ganja'. It is further submitted that a bare perusal of the case diary, it would transpire that in the present case, charge sheets were filed without the FSL report and from perusal of the supplementary case diary, it is clear that the FSL was submitted before the Court on 01.12.2025 whereas charge sheet had been filed much prior to the said date.

5. Learned counsel for the petitioner submits that his prayer is twofold: firstly, that nothing has been recovered from the conscious possession of this petitioner and secondly that the charge sheet has been filed without FSL report.

6. In this regard, learned counsel for the petitioner has relied an order of 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.

7. It is further submitted that under the provision of law, investigation of the case is required to be completed within a period of six months which may be extended for every six months on the prayer of Special Public Prosecutor, however, no such extension was sought or granted in the present case.

8. Learned counsel for the petitioner has further submitted that the petitioner is languishing in judicial custody since 15.07.2025. Moreover, similarly situated other co-accused person has already been granted bail by this Court vide order dated 03.09.2025 passed in Cr. Misc. No. 38414 of 2025.

9. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

10. 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 NDPS Case No. 77 of 2025 arising out of Bhaptiyahi P.S. Case No. 162 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, NDPS Act, Supaul.

(Ashok Kumar Pandey, J)

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