

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83084 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- KUNAU LI District- Supaul

Ranjit Kumar Mehta S/O Lakshman Mehta R/O Village - Bathnaha, ward no.-
19, P.S- Kunauli, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 27-01-2026 Heard Mr. Pramod Mishra, learned counsel for the

petitioner and Mr. Rajendra Prasad Nat, learned APP for the

State.

2. The petitioner has prayed for bail in connection with
N.D.P.S. Case No. 45 of 2025 arising out of Kunauli P.S. Case No.
37 of 2025 registered for the offence punishable under Sections
8/20(b)(ii)(C)/25/27/29 of the N.D.P.S. Act.

3. The case of the prosecution in short is that altogether
24.071 kg of *ganja* like material was recovered from the courtyard
of the petitioner.

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 submits that nothing has been recovered



from the possession of the petitioner. The witnesses of the seizure list are police personnel which has no evidentiary value in the eye of law. Police has not complied with Section 105 of the BNSS while making the seizure. He also submits that from perusal of the case diary, it will transpire that the I.O. has submitted charge-sheet without the FSL report. He also submits that as the I.O. has filed charge-sheet without the FSL report and from the perusal of the FIR, it is clear that the raiding party was not having any kit to examine the said *Ganja*. He further submits that a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 12.04.2025.

5. 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.

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

7. 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, Supaul in connection with N.D.P.S. Case No. 45 of 2025 arising out of Kunauli P.S. Case No. 37 of 2025.

(Ashok Kumar Pandey, J)

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