

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90892 of 2025

Arising Out of PS. Case No.-362 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

Heera Tiwari S/o Ramesh Tiwari R/o Ramashish Chowk, P.S.- Sadar Town,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Shivam, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 24-06-2026 Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Kuchaikote P.S. Case no. 362 of 2025 registered under sections 317(5) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 20(b)(ii)(C), 23, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. As per the prosecution case, on the three accused persons including the petitioner being stopped and search being carried out, it is stated that while 1.25 kgs of *charas* was recovered from the motorcycle in question. So far as the petitioner is concerned, two mobile phones were recovered from his possession.



4. Learned counsel for the petitioner submits that no incriminating article has been recovered from his possession and he has been falsely implicated in the case. No independent witness has supported the prosecution case and the petitioner has no concern with the seized article or the motorcycle in question. Chargesheet has been submitted without the FSL report and thus the chargesheet being incomplete, the petitioner is entitled for bail.

5. Learned counsel for the petitioner relies on the judgment of the Hon'ble Supreme Court in the case of *Divyas Bardewa vs. Narcotics Control Bureau; 2023 SCC OnLine SC 742* to submit that in case of submission of chargesheet without the FSL report being on record, taking into consideration the period in custody the Hon'ble Supreme Court had enlarged the petitioner therein on bail. It is submitted that the petitioner in the instant case is in custody since 20.8.2025 and has no criminal antecedent. He undertakes to cooperate in the investigation/trial.

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

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation, the FSL report having been submitted subsequent to the submission of the



chargesheet in the case, submissions made on behalf of the petitioner and the petitioner having remained in custody since 20.8.2025, the Court directs the petitioner to be enlarged on bail in connection with Kuchaikote P.S. Case no. 362 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 the learned Principal District and Sessions Judge, Gopalganj on the following conditions:

(i) The petitioner shall remain physically present in Court on each date of the trial.

(ii) One of the bailors of the petitioner shall be a close relative of the petitioner.

(iii) In case the petitioner is absent on any single date for reasons not to the satisfaction of the learned trial Court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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