

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91586 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- LAURIA District- West Champaran

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Nigam Kumar @ Naman Kumar Son of Raju Yadav R/o Village - Jurabganj,
Nayka Tola, P.S. - Kodha, Dist. - Katihar. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 30-01-2026 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 336 (2), 317 (4), 317 (5) of the BNS and Section 20(B), ii (c) of the N.D.P.S. Act.

3. The case of the prosecution is that from the possession of this petitioner altogether 1.038 KG of ‘charas’ like substance was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is further submitted that nothing has been recovered from the conscious possession of this petitioner. It is further submitted that all the seizure list witnesses are police personnel and that while making the alleged seizure, the police has not followed the mandatory provision of Section 105 of the BNSS. It is further submitted that from perusal of the charge sheet, it would transpire that the



charge sheet has been submitted without the FSL report

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 12.02.2025 having no criminal antecedent. 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 Lauriya P.S. Case No. 78 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 Exclusive Special Judge (NDPS), Bettiah, West Champaran.

(Ashok Kumar Pandey, J)

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