

Present: Sandeep Mishra
 Incharge Principal District and Sessions Judge, Katihar
 In the court of Principal District and Sessions Judge, Katihar
 NDPS Case No. 135 of 2025
 (Arising out of Rautara P.S. case No. 192 of 2025)

Sanjay Poddar versus State

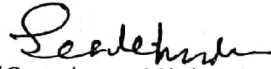
1. Sanjay Poddar, son of Late Varun Poddar, resident of Kadampur Anand Nagar, Ward No. 45, P.S.-
 Katihar Nagar, District- Katihar.

... Petitioner

versus

The State of Bihar

... Opposite party.

Date	Order	Remark
13.05.2026 12. 20 P.M.	1. Regular P.O. is on leave. This is an application under section 187(3) of Bhartiya Nagrik Surkasha Sanhita for grant of default bail filed on behalf of the accused petitioner namely Sanjay Poddar who is in custody since 10.02.2026 in connection with this case being Special NDPS Case No. 135 of 2025 arising out of Rautara P.S. Case No. 192 of 2025 registered U/s. 8(c)/21(c)/22(c)/29 of NDPS Act. Office is directed to report as to whether chargesheet has been submitted against the petitioner or not as yet.  (Sandeep Mishra) Sessions Judge, I/c Katihar 13.05.2026	

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Sanjay Poddar versus State

Sanjay Poddar, aged about 47 years, son of Late Varun Poddar, resident of Kadampur Anand Nagar, Ward No. 45, P.S.- Katihar Nagar, District- Katihar.

... Petitioner

versus

The State of Bihar

... Opposite party.

Date	Order	Remark
Later on 13.05.2026	1. Regular P.O. is on leave. It has reported by the office clerk that chargesheet has not been submitted as yet. 2. This is an application under section 187(3) of Bhartiya Nagrik Suraksha Sanhita for grant of default bail filed on behalf of the accused petitioner namely Sanjay Poddar who is in custody since 10.02.2026 in connection with this case being Special NDPS Case No. 135 of 2025 arising out of Rautara P.S. Case No. 192 of 2025 registered U/s. 8(c)/21(c)/22(c)/29 of NDPS Act. This bail application has been filed mainly on the ground that the petitioner is in custody for more than ninety days but chargesheet has not been submitted in this case as yet. 3. P.S.I. Manoj Kumar Singh is the informant of this case. According to the First Information Report, case of the prosecution is that on 10.10.2025 at about 09.50 PM, the informant proceeded from the police station for his duty at Rautara Toll Plaza and reached there at 10.05 PM alongwith the police force. In course of checking of vehicle at about 11.30 PM, one bus arrived at Rautara Toll Plaza which was checked. In course of checking, one person was found with	

*Sealed
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a bag of blue colour. On suspicion, the said person was enquired who disclosed his name as Alameen Shekh of Malda, West Bengal. He was searched after following due process of law. After search, altogether 1.442 kilograms of smack and mobile as well as charger, cash Rs. 90/- and two passport size of photographs were recovered from him. Accordingly, seizure list was prepared and the said person was arrested.

4. It has been submitted on behalf of the petitioner that earlier bail application has been filed on behalf of the petitioner in this case before this court and the same has been rejected. The petitioner has not filed any bail-application before Hon'ble High Court, Patna. The petitioner has got criminal antecedent and he is also an accused in Town, P.S. Case No. 267 of 2015 registered U/s. 120(b), 323, 341, 354(a), 387, 506/34 of IPC, in Mahihari, P.S. Case No. 142 of 2012 registered U/s. 120(b), 147, 148, 149, 307, 323, 341, 504, 506/34 of IPC in which the accused petitioner is on bail as well as he is also in accused in Mufassil, P.S. Case No. 293 of 2025 registered U/s. 8(c), 21(b) of NDPS Act. The petitioner is in custody in this case since 10.02.2026. The petitioner is not named in the F.I.R. and he has been made accused in this case on the basis of confessional statement of the Co-accused namely Alameen Shekh. The name of the father of the petitioner and his correct identification are not there. The Co-accused namely Alameen Shekh belongs to West Bengal whereas the petitioner is in Katihar. The petitioner has got no concern with the said Co-accused namely Alameen Shekh. Nothing has been recovered from the possession of the petitioner. The petitioner is in custody

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for more than ninety days and chargesheet has not been submitted against him. On the aforesaid grounds, the prayer has been made to enlarge the petitioner on default bail.

5. On the other hand, the prayer for grant of default bail has been opposed by the learned Special P.P. who submitted that the Co-accused namely Alameen Shekh has confessed that he was taking the smack to this petitioner. The smack recovered from the possession of the Co-accused namely Alameen Shekh is of commercial quantity. Investigation of the case against the petitioner is going on. Further, since this is a case relating to recovery of commercial quantity of smack, the period for submission of chargesheet is 180 days and not ninety days. Therefore, the petitioner is not entitled to be enlarged on default bail.

6. Heard the parties and perused the record. At the time of hearing of this bail application copy of case diary containing 63 paragraphs has been produced on behalf of prosecution. So far as the criminal antecedent of the petitioner is concerned, it is mentioned in paragraph no. 05 of the supplementary case diary that the petitioner is an accused in Mufassil, P.S. Case No. 293 of 2025 registered U/s 8(c)/21(b) of NDPS act as well as in Town, P.S. Case No. 267 of 2015 registered U/s. 120(b), 323, 341, 354(a), 387, 506/34 of IPC and also in Manihar, P.S Case No. 142 of 2012 registered U/s. 27 of Arms Act and U/s. 120B, 147, 148, 307, 323, 341, 504, 506 of IPC.

The petitioner is not named in the F.I.R., but from the perusal of the case diary, it transpires that the Co-accused namely Alameen Shekh has confessed that one

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Firoj had given the bag containing smack and he was taking the said bag to Sanjay Poddar petitioner herein) and said Firoj had promised to give him Rs. 5,000/-. Altogether 1.442 kilograms of smack has been recovered from the Co-accused namely Shekh Alameen which is a commercial quantity. From the perusal of the record it transpires that the regular bail-application of the petitioner has been rejected on merits by this court by the order dated 16.04.2026 and this matter relates to recovery of commercial quantity of smack.

7. In this respect, section 36(4) of the Narcotic Drugs and Psychotropic Substance Act, 1985 provides as follows:-

" In respect of persons accused of an offence punishable under section 19 or section 24 or section 27 A or for offences involving commercial quantity, the reference in sub - section (2) of section 167 of the Code of Criminal Procedure, 1973 (2 of 1974), thereof to 'ninty days' where they occur, shall be construed as reference to "one hundred and eighty days."

Provided that, if it is not possible to complete the investigation within the said period of one hundred and eighty days, the Special Court may extend the said period upto one year on the report of the Public Prosecutor indicating the progress of he investigation and the specific reasons for the detention of the accused beyond the said period of one hundred and eighty days."

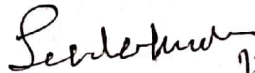
8. This case does relate to the recovery of commercial quantity of smack and the accused- petitioner is in custody since 10.02.2026 i.e. for 92 days whereas chargesheet is to

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be filed in such type of cases involving commercial quantity within 180 days which has not been elapsed. Therefore, the petitioner is not entitled to be enlarged on default bail under section 187 (3) of Bhartiya Nagrik Suraksha Sanhita. Accordingly, prayer of the petitioner namely Sanjay Poddar for grant of default bail under section 187(3) of Bhartiya Nagrik Suraksha Sanhita in connection with Rautara P.S. Case No. 192 of 2025 stands rejected.


(Sandeep Mishra)

Sessions Judge, I/c

Katihar

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