

ITEM NO.38

COURT NO.13

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).3471/2026

[Arising out of impugned final judgment and order dated 14-11-2025 in CRLM No.45948/2025 passed by the High Court of Judicature at Patna]

RAJESH PASWAN @ RAJU PASWAN

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(IA No. 61256/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 61254/2026 - EXEMPTION FROM FILING O.T.

IA No. 61253/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 25-02-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Mr. Gaurav Agarwal, Sr. Adv.
Mr. Prashant Kumar, AOR
Ms. Alankrit Singh, Adv.
Mr. Arpit Singh, Adv.

For Respondent(s) Mr. Anshul Narayan, Addl. Standing Counsel
Mr. Prem Prakash, AOR

O R D E R

Heard Mr. Gaurav Agarwal, learned senior counsel for the petitioner and Mr. Anshul Narayan, learned Additional Standing Counsel for the State of Bihar.

2. The petitioner seeks bail in connection with FIR No.205 of 2024 dated 10.06.2024, registered at P.S. Birpur, District Supaul under Section 8/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation against the petitioner is that upon information disclosed by another co-accused, when police went to the house of the petitioner, 47 kgs. of ganja was recovered, which was tested positive by the Drug Detection Kit.

4. Learned senior counsel for the petitioner submitted that the recovery was not from the conscious possession of the petitioner and at the time of recovery, he was not present in the house. It was further contended that there is not even a whisper, as to whether, the recovered item was lying in the open or it was under lock and key as there is no statement that locks were broken to enter into his house. He further submitted that the petitioner is in custody for over one year and five months without having any criminal antecedents. He further contended that the charge sheet against the petitioner was submitted without the FSL report and it has been held by the Courts that the FSL report is a *sine qua non* to legally establish the identity of the substance recovered.

5. Learned Standing Counsel for the respondent-State submitted that the recovered material was tested positive for ganja by the Drug Detection Kit and 47 kgs. of ganja by any standards is a huge quantity.

6. Having considered the matter in its entirety, we are not inclined to grant bail to the petitioner, for the present. Accordingly, the Special Leave Petition stands dismissed.

7. Pending application(s), if any, shall stand disposed of.

(SAPNA BISHT)
COURT MASTER (SH)

(KOMAL)
COURT MASTER (NSH)