

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.728 of 2026

Arising Out of PS. Case No.-70 Year-2025 Thana- KATIHAR GRP CASE District- Katihar

Umesh Yadav Son of Late Kameshwar Yadav R/o Khuskibag, Ward no -42,
P.S. - Kadar, Distt - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 19-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Katihar Rail P.S. Case No. 70 of 2025 dated 06.04.2025 registered for the offences punishable under Sections 123, 62, 317(5), 317(4) and 3(5) of B.N.S and Section 8(c) and 22(a) of NDPS Act and Section 137 and 147 of Railway Act.

3. As per the prosecution case, total 15 tablets of Lorazepam containing 8102 mg in each tablets and a surgical blade were recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from



the conscious possession of the petitioner. The police did not follow Sections 45 and 50 of N.D.P.S. Act as well as Section 103(4) of B.N.S. The recovery of the seized articles comes within the intermediary quantity and not comes in the purview of commercial quantity. It is further submitted that this petitioner is in custody since 07.04.2025 and having two criminal antecedents. Similarly situated co-accused (Suraj Hadi @ Suraj Hari) has been granted regular bail by the Co-ordinate Bench of this Court vide order dated 21.01.2026 passed in Cr. Misc. No. 71298 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as the period of custody of the petitioner, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Katihar in connection with Katihar Rail P.S. Case No. 70 of 2025, with following conditions:-

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(ii). One of the bailors will be his own blood relation, preferably father, mother, brother, sister or his wife.

(iii). The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(v). The petitioner within two weeks after his release from custody shall appear before the local police station along with a copy of this order and thereafter shall appear in the first week of every month to mark his attendance till the framing of charge in the trial court.

7. The application stands allowed.

(Praveen Kumar, J)

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