

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2528 of 2026

Arising Out of PS. Case No.-423 Year-2025 Thana- MURLIGANJ District- Madhepura

Nitish Kumar S/O Sikandra Yadav Resident of Vill.- Tamaut, P.S.- Murliganj,
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 79919 of 2025

Arising Out of PS. Case No.-423 Year-2025 Thana- MURLIGANJ District- Madhepura

Rajesh Kumar S/O Sita Ram Sharma Resident Of Village- Manjama Ward
No. 05, Gram Panchayat Jirwa Madhaili, P.s.- Shankarpur, District-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 2528 of 2026)
For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 79919 of 2025)
For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 11-03-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Murliganj P.S. Case No. 423 of 2025 instituted for the offences
under Sections 8(c), 21(b), 22 of the N.D.P.S. Act.



3. Prosecution case, in short, is that on 24.08.2025, police intercepted a Bolero near Mirganj Chowk and recovered 400 grams smack, Rs. 9,400/- cash, Bolero vehicle and mobile phones from the accused persons including the petitioners.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioners are in custody since 25.08.2025 and have no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel further submitted that as per search and seizure memo, the recovery of the alleged contraband has been attributed to co-accused Anshu Kumar and so far as the petitioners are concerned, there is no any recovery of contraband from their possession and, hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. Learned counsel further submitted that the prayer for grant of bail to the co-accused Anshu Kumar has already been rejected by this Court vide order dated 21.01.2026 passed in Cr. Misc. No. 1911 of 2026. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, there being no recovery of the contraband from the possession of the petitioners as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Murliganj P.S. Case No. 423 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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