IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10857 of 2026

CNR No. BRHC010139492026

Arising Out of PS. Case No.-368 Year-2025 Thana- KHAGARIA District- Khagaria

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1. Yuvraj Kumar S/o- Manohar Paswan R/v- Mathurapur W.No-6, Ps Dist- Khagaria
2. Anurag Kumar S/o- Manohar Paswan R/v- Mathurapur W.No-6, Ps Dist- Khagaria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 11298 of 2026

CNR No. BRHC010139492026

Arising Out of PS. Case No.-368 Year-2025 Thana- KHAGARIA District- Khagaria

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Soniya Devi W/o- Manohar Paswan R/v- Mathurapur W.No-6, Ps Dist- Khagaria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 10857 of 2026)
For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP
(In CRIMINAL MISCELLANEOUS No. 11298 of 2026)
For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. M.K. Nirala, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 19-11-2026 Heard Mr. Mritunjay Kumar, learned Advocate for the petitioners and Mr. Satyendra Narayan Singh as well as Mr. M.K. Nirala, learned Advocate for the State.

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2. Since both the matters are arising out of the same PS case, and as such, with the consent of the parties, they are being heard together and disposed of by this common order.

3. The petitioners are apprehending their arrest in connection with Special Case No. 35 of 2025 arising out of Khagaria P.S. Case No. 368 of 2025, registered for the offences punishable under Sections 111 and 3(5) of the BNS, Sections 8(c), 21(b), 29 and 35 of the NDPS Act and Sections 25 (1-B) (a), 26 and 35 of the Arms Act.

4. Acting on a tip-off regarding the sale and purchase of narcotic substances, the police conducted a raid at the house of one Aakash Kumar. Noticing the police party, six accused persons, including the petitioners, managed to flee. The apprehended persons, however, disclosed the names of the petitioners and others. In the course of the search, 5 live cartridges, along with cash, 10 grams of smack-like substance and various mobile phones, were recovered from the house of co-accused Aakash Kumar.

5. Learned Advocate for the petitioners, referring to the FIR, contended that a bare reading of the same makes it evident that the alleged recovery has been made from the house of co-accused Aakash Kumar. Since the petitioners are also

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members of a joint family, their names have been implicated in this case without there being any cogent material suggesting their complicity. It is further submitted that Aakash Kumar, who was apprehended by the police, has also been extended the privilege of regular bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 14233 of 2026. As regards the petitioners, there is an admitted position that no recovery has been made from their conscious or constructive possession, and their fair antecedents lend support to their innocence.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that, in a case like the present one, custodial interrogation is required. Moreover, the alleged recovery has been made from a joint family house, of which the petitioners are also members.

7. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the fact that the entire allegation revolves around co-accused Aakash Kumar, from whose house the incriminating articles have been recovered; besides the discrepancies shown in search and seizure, and the witnesses are none-else, but the police personnel and the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their

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arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Special Judge (NDPS Act), Khagaria in connection with Special Case No. 35 of 2025 arising out of Khagaria P.S. Case No. 368 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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