

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48764 of 2026

Arising Out of PS. Case No.-172 Year-2026 Thana- BIHARIGANJ District- Madhepura

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1. Sonu Kumar S/O Lalan Yadav Resident Of Village- Kusthan, Ward No. 2, Police Station- Bihariganj, District- Madhepura
 2. Pradeep Kumar S/O Bilash Mehta Resident Of Village- Lakshmipur, Ward No. 12, Police Station- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

2 22-07-2026 Heard Mr. Ajit Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Rajendra Prasad Nat, learned APP for the State.

2. The present application has been filed on behalf of the petitioners for grant of regular bail in connection with Bihariganj P.S. Case No. 172 of 2026, for the offence punishable under sections 310(4), 310(5) of the Indian Penal Code and Sections 8, 20(B)(ii)(A), 8(c), 21(b) of the N.D.P.S. Act and Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per the prosecution case in short, is that the police had an input that one Santosh Kumar, along with his associates is dealing in intoxicants and contraband, and they are also planning to commit *dacoity*. On this input, police raided the house of the petitioners and others. There was a recovery of 10 gram of ganja from the co-accused, namely, Chhotu Kumar and



some small pudiyas of 6.7 grams of smack (Narcotics drugs) was recovered from co-accused Nandan Kumar.

4. Learned counsel appearing on behalf of the petitioners, namely, Sonu Kumar and Pradeep Kumar, submitted that the petitioners are innocent and have falsely been implicated in the present case. It has further submitted that from perusal of FIR and seizure list it will transpire that the alleged recovery is made from the house of co-accused Santosh Kumar, Chhotu Kumar and Vidya Nand Sagar and nothing has been recovered from the conscious possession of these petitioners. It is submitted that the petitioners were merely apprehended at the place of occurrence.

5. It is submitted that there is one criminal antecedent against the petitioner no. 1, namely, Sonu Kumar in which he is on bail and petitioner no. 2 has clean antecedent and they are in custody since 20.05.2026.

6. Similarly situated co-accused person, namely, Amit Kumar Thakur has been granted regular bail by a coordinate Bench of this Hon'ble Court vide order dated 14.07.2026 passed in Cr. Misc. No. 47073 of 2026.

7. Learned APP for the State has vehemently opposed the prayer for bail.



8. Considering the facts and circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Madhepura /concerned court in connection with Bihariganj P.S. Case No. 172 of 2026, subject to following conditions:-

(i) One of the bailors should be family member of the petitioners.

(ii) Petitioners will co-operate in the trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the Court on that date.

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

(Kumar Manish, J)

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