IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42021 of 2026

CNR No. BRHC010537612026

Arising Out of PS. Case No.-83 Year-2025 Thana- KUWARI District- Araria

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Md Tasdik Alam @ Tasdikque Son of Md Mazuddin Resident of Ward No. 05, Garaiya, Lailokhar, P.S.- Kuwari, District- Araria.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 44413 of 2026

CNR No. BRHC010537612026

Arising Out of PS. Case No.-83 Year-2025 Thana- KUWARI District- Araria

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Md. Mozahidul @ Guddu S/o Late Md. Ali Ahmad R/o Garaiya, ward no. 13, P.S.- Kuwari, Distt.- Araria, Bihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 69504 of 2026

CNR No. BRHC010537612026

Arising Out of PS. Case No.-83 Year-2025 Thana- KUWARI District- Araria

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Naushad son of Azad Resident of Village- Pahusi (Lailokhar) Ward no. 2, P S- Kuwari District -Araria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 42021 of 2026)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Deepak Kumar, Advocate
Mr. Magan Kumar, Advocate
Mr. Kumar Rajdeep, Advocate

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Mr. Bhaskar Anand, Advocate
Mr. Awanish, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 44413 of 2026)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP
(In CRIMINAL MISCELLANEOUS No. 69504 of 2026)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

3 20-11-2026 Heard learned senior counsel for the petitioners and learned APPs for the State.

2.The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Kuwari P.S. Case No. 83 of 2025 instituted for the offence under Sections 8, 20(b)(ii)(c) of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that the police had secret information that Md. Mozahidul @ Guddu and Tasdik along with their associates were carrying illicit ganja from the side of Nepal in the Indian border. On this information, police reached the place. It is further alleged that 10-15 persons who were carrying the contraband on their head entered into the territory of India. As police chased them, they fled away. Local chaukidar identified two persons Guddu and Tasdik.

4. Learned senior counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have

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committed no offence. They have falsely been implicated in this case. Learned senior counsel for the petitioners has further submitted that from perusal of the F.I.R. it is clear that the occurrence is of 0.3 hours, it means at the midnight and the petitioners have been identified by the local chuakidar in the light of torch. It has further been submitted that nothing has been recovered from their possession. It is only alleged that they were fleeing away after throwing the contraband.

5. Learned senior counsel for the petitioners has further submitted that nothing was recovered from the possession of petitioners Guddu and Tasdik. As far as petitioner Naushad is concerned, his name has surfaced in this case only on the basis of C.D.R. location. It has further been submitted that save and except the C.D.R. location, there is nothing against him. There is only C.D.R. which only goes to show that Naushad was on talking terms with other accused persons. Moreover, no recovery has been made from his possession.

6. Learned APPs appearing for the State have vehemently opposed the prayer of bail of the petitioners.

7. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The

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petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Kuwari P.S. Case No.83 of 2025, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court, Araria, subject to the conditions as laid down under section 482 (2) of the B.N.S.S.

(Ashok Kumar Pandey, J)

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