

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81868 of 2025

Arising Out of PS. Case No.-611 Year-2025 Thana- MADHAURAH District- Saran

1. Ankit Kumar Son of Biru Mishra @ Veeru Mishra R/o Village- Rasulpur, P.S.- Lalganj, District- Vaishali
2. Ritik Tiwary @ Ritik Kumar @ Vikash Tiwary Son of Late Randha Tiwary R/o Village- Sograha, P.S.- Phulwariya, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Raju Kumar, Advocate
For the Opposite Party/s	:	Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-01-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Marhowrah P.S. Case No. 611 of 2025, instituted for the offences punishable under Sections 310(4), 310(5), 317(2), 317(5), 111, 3(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 25(1-B)(a), 26, 35 of the Arms Act, Sections 18 and 22 of the NDPS Act.

3. The prosecution case, in short, is that on the basis of secret information, the police raided the place of occurrence and arrested the petitioners along with other co-accused persons.



It is further alleged that on search, the police has recovered two loaded country made pistols, two live cartridges, total 6.20 gram smack from other co-accused persons and only two foldable knives have been recovered from the possession of these petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the petitioners have been arrested only on the basis of suspicion. It is further submitted that the petitioners have got no concern with the alleged recovery of smack and arms. The alleged articles have been recovered from the possession of other co-accused persons. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioners are in custody since 31.08.2025. Petitioner no. 1 has got two criminal antecedents and petitioner no. 2 has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned APP 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, the recovered contraband being below the commercial quantity and taking into account 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 Marhowrah P.S. Case No. 611 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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