

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91 of 2026

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

Santosh Tiwary Son of Late Jhulan Tiwary R/o Village - Dighi Kala, P.S.-
Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in 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 petitioner along with other co-accused persons. It is further alleged that on search, the police has recovered one loaded country made pistol, one live cartridge and total 6.20



gram smack, out of which 3.15 gram smack from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern either with the arms or with the smack. It is further submitted that the petitioner has been arrested only on the basis of suspicion. 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 petitioner is in custody since 31.08.2025 and has got two criminal antecedents in which he is on bail. 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 petitioner.

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 petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) 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 petitioner.

(II) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

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