

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12570 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- Bathnaha District- Araria

Naim Baitha @ Md. Naim Baitha S/O Md. Hasamuddin Baitha @ Hasa
Mudin Baitha R/O Village- Amauna, P.S- Jogbani, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Adv.

For the Opposite Party/s : Ms.Anita Kumari, APP

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

ORAL ORDER

2 04-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bathnaha P.S. case No. 08 of 2025 instituted for the
offences under Sections 21(c), 22, 23 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
300 bottles each of 100 ML of Wirof-T-Cough Syrup as well
as 993 bottles each of 100 ML of Eskuf Cough Syrup from the
Dzire vehicle bearing Regd. No. BR38AD6089.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.
Petitioner is in custody since 21.01.2025 and has no criminal



antecedent. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is the owner of the alleged vehicle and driver of the petitioner namely Pintu Kumar Das had taken the vehicle from him and, thus, the petitioner has no concern with the seized cough syrup. Learned counsel for the petitioner, after making calculation, submits that the total quantity of Codeine recovered is 258.6 gram which is below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. 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, clean antecedent as also 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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Bathnaha P.S.
case No. 08 of 2025.

(Rudra Prakash Mishra, J)

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