

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14254 of 2025

Arising Out of PS. Case No.-81 Year-2025 Thana- KATIHAR NAGAR District- Katihar

Asheshwar Prasad Barnwal @Asheshwar Barnwal. Son of Parmeshwar Prasad Barnwal, Resident of Village- Amdabad, P.S.- Amdabad and distt.- Katihar at present resident of Mohalla- Binodpur, Raj Hata Police Station and District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rama Nand Poddar, Advocate.
For the State : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Katihar (Town) P.S. Case No. 81 of 2025 dated 22.01.2025 (N.D.P.S. Case No. 26 of 2025) registered for the offences punishable under Sections 8(C), 21(C), 22(C), 25 and 29 of N.D.P.S. Act.

3. As per allegation, cough syrup containing Codeine as well as Smack have been recovered from two cars and godown and on account of the confessional statement of the occupant of the car, smack and cough syrup containing codeine were stored in the godown which belongs to the petitioner and as per the allegation, 92.80 grams smacks besides other things



has been recovered from Munna Kumar, the occupant of one of the cars, 206.52 grams smack has been recovered from co-accused Permendra Kumar and 1189 litres cough syrup containing Codeine have been recovered from the godown belonging to the petitioner.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the godown belonging to the petitioner has been leased out in favour of Kunal Enterprises belonging to Rupak Kumar Gupta. As per his further submission, the godown was leased out to Kunal Enterprises on 16.12.2024 whereas offence has been allegedly committed on 22.01.2025. Hence, the petitioner is no way connected with the alleged offence. He also submits that the original lease deed has been recovered from Kunal Enterprises also as transpires from the seizure list.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently



opposes the prayer of the Petitioner for bail submitting that the petitioner has no cogent proof to show that the godown in question has been leased out to anybody else because the lease agreement is neither registered nor any proof of receipt of any rent has been filed by the petitioner. Moreover, the petitioner is also allegedly involved in the drugs trafficking.

8. Considering the nature of allegation and material on record, I am not persuaded to enlarge the petitioner on anticipatory bail at this stage.

9. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

10. However, the petitioner is at liberty to file the second anticipatory bail petition in changed circumstances.

(Jitendra Kumar, J)

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