

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30912 of 2025**

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

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Pintu Kumar Das S/o Prakash Lal Das R/o Vill.- Bathnaha , P.S.- Bathnaha  
(Jogbani), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate  
For the Opposite Party/s : Mr. Binod Kumar, APP

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

ORAL ORDER

2      09-05-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends arrest in connection with  
Bathnaha P.S. Case No. 08 of 2025, registered under Sections  
21(c), 22 and 23 of the NDPS Act.

3. The prosecution case, in short, is that, 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. Total 129.3 liters cough syrup has been recovered from  
Swift Dzire vehicle.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. Learned counsel for the petitioner also submits that  
the petitioner was not present at the place of occurrence. Name



of the petitioner has transpired in this case on the basis of recovery of his driving license and PAN Card from the alleged car. The petitioner has got no concern with the alleged recovery of cough syrup. The petitioner is not the owner of the vehicle in question. It is next submitted that the total quantity of Codeine recovered is 258.6 gram which is below the commercial quantity and, hence, Section 37 of the NDPS Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the NDPS Act. The petitioner has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 04.03.2025 passed in Cr. Misc. No. 12570 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the petitioner along with other co-accused person is dealing in contraband articles. It is further submitted that the petitioner is driver of the said vehicle. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.



7. The prayer is rejected. However, the petitioner is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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