

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49527 of 2025

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

Pintu Kumar Das Son of Parkash Lal Das R/O Vill- Bhardeshwar, Ward No. 03, P.S.- Bathnaha, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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

ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was rejected vide order dated 09.05.2025 passed in Cr. Misc. No. 30912 of 2025.

3. 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.

4. 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. Total 129.3 liters cough syrup has been recovered from Swift Dzire vehicle.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The name of the petitioner has transpired in this case on the basis of his driving license and PAN card recovered from the seized car. The petitioner has no concern with the seized contraband. It is further 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 non-compliance of Sections 42 and 50 of the NDPS Act. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 19.05.2025 without any rhyme or reason.

6. Learned counsel for the petitioner again submits that the co-accused namely Naim Baitha @ Md. Naim Baitha has been granted bail by this Court vide order dated 04.03.2025 passed in Cr. Misc. No. 12570 of 2025.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent and the prayer for bail being based on parity, let the petitioner, abovenamed, 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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