

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66536 of 2025

Arising Out of PS. Case No.-138 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Kundan Kumar S/o Ram Babu Mahto R/o Village- Tara Bariyarpur, P.S.-
Khodabanpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 12-12-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with NDPS Case No. 07 of 2023, arising out of Dalsinghsarai P.S. Case No. 138 of 2023, lodged on 17.03.2023, under Sections 420 and 120B of the Indian Penal Code, Sections 8, 18, 20, 22(c), and 23 of the Narcotic Drugs and Psychotropic Substances Act, and Sections 18(c), 18A, 28, and 27(b) of the Drugs and Cosmetics Act.

3. Learned counsel for the petitioner submits that the anticipatory bail application of the petitioner was earlier rejected *vide* order dated 20.09.2023 passed in Cr. Misc. No. 58699 of 2023 and the regular bail application of the petitioner was rejected *vide* order dated 12.07.2024 passed in Cr. Misc. No. 38408 of 2024.



4. Counsel further submits that on 28.11.2025, due to a miscalculation, the amount of Codeine Phosphate was calculated as 1,920 grams. However, the actual amount is 19.2 kilograms, which is a commercial quantity. She further submits that charge has already been framed in this case and that the petitioner has one criminal antecedent under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act. She also submits that the petitioner has been in custody since 01.11.2023.

5. Learned APP for the State opposes the prayer for bail and submits that the recovered quantity of Codeine Phosphate is much higher than the commercial quantity, and the petitioner's criminal antecedent is not clean.

6. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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