

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27207 of 2026

Arising Out of PS. Case No.-690 Year-2025 Thana- Excise P.S. District- Sitamarhi

Niraj Kumar @ Naresh Kumar S/o Harishchandra Patel @ Harishchandra Ray Resident of village - Ward No 05, Patel Nagar, P.S - Sonbarsa, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 06-05-2026 Heard the learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner apprehends arrest in connection with Sitamarhi Excise P.S. Case No. 690 of 2025, registered for offences punishable under Sections 21(C) /22(C) /25 of NDPS Act.

3. As per the prosecution case, the recovery is of 548 litres of codeine rich cough syrup from a pick-up van.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence. The name of the petitioner has transpired in the self inculpatory statement of one Rajan Rai who has said that the syrup belongs to the petitioner and Rajan Rai has also said that the petitioner



and Rajan Rai was in constant touch on a mobile phone.

5. Learned APP for the State has vehemently opposes the prayer for bail.

6. Considering the facts and circumstances of the case and petitioner is named in the recovery of commercial quantity of codeine and considering the law laid down by Hon'ble Supreme Court in the case of *The State of Haryana vs. Samrath Kumar, 2022 SCC Online SC 2087*, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner, this application is dismissed.

7. It is made clear that any observation made herein is prima facie in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Sandeep Kumar, J)

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