

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35099 of 2025

Arising Out of PS. Case No.-317 Year-2023 Thana- SONBERSA District- Sitamarhi

Vicky Kumar @ Vicky Mestar @ Vikki Kumar Son of Yogendra Mestar
Village- Sonbarsa, Ward No 3, PS -Sonbarsa, District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

7 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Sonbarsa P.S. Case No. 317 of 2023 for the offences registered
under Sections 21(B)(C) of the N.D.P.S. Act.

3. As per the prosecution case, six cartons Codiwell
cough syrup, each containing 100 bottles (each bottle containing
100 ml) were recovered from the Tempo of the petitioner.

4. Learned counsel for the petitioner submits that
earlier the prayer for bail of the petitioner was twice rejected
vide orders dated 24.01.2024 and 29.11.2024 passed in Cr. Misc.
Nos. 86495 of 2023 and 44352 of 2024 respectively. The trial is
still going on in which only two prosecution witnesses have
been examined and the last witness was examined on



04.03.2024. The witnesses who have been examined have not supported the prosecution's case. He submits that petitioner was working as a tempo driver for running his livelihood whereas the tempo belongs to one Parmanand Sah and petitioner has no concern with the alleged cough syrup. He further submits that the said cartoons belong to one Vaidehi but he has not been made accused in this case. Petitioner is in custody since 16.10.2023 and he is likely to be acquitted. He lastly submits that petitioner undertakes to cooperate in the trial.

5. Learned A.P.P. appearing on behalf of the State opposes the prayer for grant of bail to the petitioner and submits that earlier the prayer for bail of the petitioner was twice rejected on merit by this Court and trial is going on in which two witnesses have already been examined. The quantity of recovered cough syrup comes under the category of commercial quantity. Learned A.P.P. further submits that at this stage, the accused/petitioner does not deserve to be enlarged on bail.

6. Considering the fact and circumstances of the case, submissions made on behalf of the parties, earlier the bail petition of the petitioner was rejected twice, recovery of commercial quantity of cough syrup and the case is running for prosecution witnesses, this Court is not inclined to enlarge the



petitioner on bail. Accordingly, the prayer for bail of petitioner is rejected.

7. However, the learned Trial Court is directed to expedite the disposal of the case.

(Sunil Dutta Mishra, J)

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