

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64987 of 2025

Arising Out of PS. Case No.-353 Year-2024 Thana- BAHADURPUR District- Darbhanga

Ritesh Kumar S/o- Shri Rudal Kunwar R/o- Madhubani Tol Ps- Rajnagar
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Adv. Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Anish Chandra, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 23-02-2026 Heard Mr. Ajay Thakur, learned counsel for the
petitioner and learned APP for the State.

2. A prayer for bail has been made on behalf of the
petitioner in connection with Bahadurpur P.S. Case no.353 of
2024 registered under section 21C of the NDPS Act.

3. There is a recovery of 72.6 liters of cough syrup
containing codeine phosphate from Asha Nurshing Home.

4. Learned counsel for the petitioner submits that
petitioner has been made an accused in this case only on the
basis of some assumption and presumption as the petitioner has
no concern whatsoever with the Asha Nursing Home. During
entire investigation, not a single witness of the locality and not
even the landlord has come to state that the petitioner was



running the said Asha Nursing Home from where recovery has been made. Further, the recovery of cough syrup has been made in absence of any independent witness and only the members of raiding party were the witnesses to the seizure list, indicating violation of mandatory provisions of search and seizure. The petitioner is in custody since 25.08.2025 with no criminal antecedent and charges have been framed only on 31.01.2026 and no prosecution witnesses have been examined.

5. The application for bail is opposed by learned A.P.P. for the State on the ground that cough syrup is that of commercial quantity and charges have been framed.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering that there is no independent witness except the police officials during the course of investigation to support the allegation that the petitioner was running Asha Nursing Home from where the recovery of cough syrup has been made, coupled with the fact that charges have been framed only on 31.12.2026 and that no prosecution witness has yet been examined and there is no likelihood of conclusion of trial near future, the petitioner is directed to be enlarged on bail in connection with Bahadurpur P.S. Case no.353 of 2024 on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/successor Court, subject to the further condition that the petitioner shall appear on each and every date fixed by the learned trial Court, the next date being 16.02.2026 as per the report, and in the event of failure to do so, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner.

7. It is also expected that the learned trial Court shall adhere to the time stipulated of 6 months for conclusion of the trial, as indicated in the report.

(Soni Shrivastava, J)

Harsh/-

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