

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79200 of 2025

Arising Out of PS. Case No.-465 Year-2023 Thana- EXCISE NAUGACHIA District-
Bhagalpur

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Mantosh Kumar @ Mantosh Kumar Singh S/O Late Mahendra Singh R/O
Sangram Chowk, Kumahar Toli, P.S.- Ranchi, District- Ranchi (Jharkand)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachina, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 05-02-2026 1. Heard learned counsel for the petitioner, Mr. Sachina and the learned APP for the State, Mr. Chandra Bhushan Prasad.
2. The learned counsel for the petitioner submits that earlier petitioner had moved this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 29554 of 2024 and the same was permitted to be withdrawn by an order dated 22.08.2024.
3. This is the second attempt of the petitioner to seek anticipatory bail. It is further submitted that allegation is of recovery of 3520 liters of codeine from the vehicle of the petitioner, but then petitioner was not arrested from the spot and he came to be implicated based on the fact that he is owner of



the seized vehicle.

4. The learned APP for the State, Mr. Chandra Bhushan Prasad, submits that from perusal of the order dated 22.08.2024 in Criminal Miscellaneous No. 29554 of 2024, it would manifest that the same records- *The learned counsel for the petitioner after arguing vehemently for some time, realizing his difficulty, seeks permission to withdraw the anticipatory bail application of the petitioner.*

5. The learned APP for the State next submits that the learned lawyer who had argued Criminal Miscellaneous No. 29554 of 2024 was Diwakar Upadhyay, but then the second anticipatory bail application has been by filed by another learned lawyer namely Sachina. It is next submitted that it absolutely does not stand to reason that if the petitioner had to move this Court seeking second anticipatory bail then why the lawyer was changed, which amply demonstrates the conduct of the petitioner that he is taking chances.

6. The learned APP for the State also submits that from perusal of the FIR, it would manifest that the case has been instituted under the excise act when codeine is a narcotic substance.

7. After hearing the learned counsel for the parties,



the Court is not inclined to entertain the second anticipatory bail application of the petitioner, **accordingly, the same is rejected.**

8. Let a copy of this order be sent to the Superintendent of Police, Bhagalpur, as it has been submitted by the learned APP for the State that codeine is a narcotic substance and falls under NDPS Act, but then the instant FIR has been instituted under the excise act.

(Satyavrat Verma, J)

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