

In the Court of Sessions Judge/Special Judge (NDPS), Patna

Bail Application No.-740/2026

Mithlesh Kumar @ Mithilesh Kumar

Petitioner

Vs.

The State of Bihar

Opposite party

Date

O R D E R

04-04-2026

1. This regular bail application is preferred by **Mithlesh Kumar @ Mithilesh Kumar** who is incarcerated since 30.01.2026, in connection with **Mal Salami P.S. Case No.58/2026** dated 30.01.2026, registered for offences punishable under Section 21(c) of NDPS Act and Section 111 of Bharatiya Nyaya Sanhita, BNS 2023.
2. Heard Sri Sunil Kumar Singh, learned counsel for the accused-petitioner and Sri Ashok Kumar Sinha, learned Spl. PP on behalf of the State.
3. The prosecution case in short is that on 29.01.2026 at about 20:30 hours, co-accused Mukesh Kumar, Guddu Kumar @ Duddu Kumar, Md. Rahim were smuggling contraband cough syrup by vehicles. Acting on the information, the police apprehended them and upon search recovered 1600 liters of WISCOREX cough syrup each from vehicles bearing Nos. BR01GM8821 and BR01GL2151. On their disclosure, further recovery of 930 liters of cough syrup from vehicle No. BR01GC5227 and 355 liters from vehicle No. BR01BM9012 was made. The accused disclosed that the consignment was bought from Himachal Pradesh with the involvement of petitioner Mithlesh Kumar @ Mithilesh Kumar and co-accused Surya Prakash @ Ganni, Md. Sagir, and Md. Parvej.
4. Learned counsel for the petitioner submitted that the petitioner is innocent, committed no offence and has no criminal antecedent. It was further submitted that the petitioner has falsely been implicated in this case and there is no independent witness to the alleged seizure. It was next submitted that the alleged recovery has not been made from the conscious possession of the petitioner. The petitioner is in custody since 30.01.2026. On these grounds, prayed for privilege of regular bail.
5. Per contra, learned Special Public Prosecutor vehemently opposed the bail application and submitted that 1600 liters of WISCOREX cough syrup has been

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**Contd.....
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recovered from the possession of co-accused persons and the petitioner was the seller of the said consignment. It was further submitted that the petitioner has one criminal antecedent of NDPS Act. It was further submitted that investigation is going on and charge sheet is yet to be submitted against this petitioner. The allegation against the petitioner is serious in nature. Therefore, the petitioner does not deserve the privilege of regular bail.

6. Considering the nature of accusation i.e. the co-accused Mukesh Kumar, Guddu Kumar @ Duddu Kumar and Md. Rahim were smuggling contraband cough syrup by vehicles and petitioner was named as the supplier of the said articles, which falls under the category of commercial quantity as per Narcotic Drugs and Psychotropic Substances Act, 1985; nature of offence, i.e. severity of punishment in the event of conviction and; that investigation is ongoing and chargesheet is awaited, this Court is of the opinion that it is not a fit case for grant of regular bail to the petitioner.
7. Accordingly, this regular bail application filed on behalf of the petitioner **Mithlesh Kumar @ Mithilesh Kumar** is hereby **rejected**.

(Dictated)

**(Rupesh Deo)
Sessions Judge/Special Judge (NDPS),
Patna**

Date of Judgment/Order	04.04.2026
Date of Reserving Judgment/Order	26.03.2026
Uploading Date	04.04.2026
Uploaded by	Shanu/-