

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76439 of 2024

Arising Out of PS. Case No.-313 Year-2024 Thana- ALOULI District- Khagaria

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Pintu Khetan @ Pintu Kumar Khetan Son of Late Arun Khetan Resident of
Ward No.4, Village - Roun, P.O. - Roun, P.S. - Alouli, District - Khagaria,
Bihar - 848203

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Roy, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-11-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Alouli Police Station Case No. 313 of 2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The prosecution case, as per the First Information Report, is that on 08.08.2024, the informant received secret information that the petitioner has stored Corex syrup and selling the same from his house situated in the village Raun. When the informant, along with patrol team, raided the petitioner's house, they recovered two cartons of Codeine Phosphate Cough Syrup, containing 325 bottles of 100 ml each



i.e., total 32.5 liters, were recovered from under the bed of the house of the petitioner.

4. Learned Counsel for the petitioner submits that the alleged house, from where cough syrup was recovered, does not belong to the petitioner, as is evident from Annexure P/2 (revenue records). He further submits that the cough syrup, recovered from the said house, is not excise material inasmuch as it does not come under the definition of intoxicate, prescribed under Section 2 of the Bihar Prohibition and Excise Act, 2016. Referring to the of the Narcotic Drugs and Psychotropic Substances Act, 1985, learned counsel submits that the Codeine is the derivative of opium which has been prescribed in Section 2 (XVI) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The commercial quantity as per the schedule for Codeine is 1 kg; whereas, the small quantity is 10 gm. 32.5 liters of cough syrup has been recovered by the police containing 3.25 gm of Codeine. As such, the quantity of Codeine recovered is less than small quantity. Petitioner is not having any criminal antecedent of similar nature of offence.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the quantity of cough syrup containing the Codeine is less than the



small quantity, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, 1st, Khagaria, in connection with Alouli Police Station Case No. 313 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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