

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4286 of 2025

Arising Out of PS. Case No.-112 Year-2024 Thana- LAUHIYANAGAR District- Begusarai

1. Sonu Kumar S/o Prakash Paswan R/o Village- Baghi, Ward No.25, P.S.- Lohiyanagar, Distt.- Begusarai
2. Rajiv Paswan S/o Prakash Paswan R/o Village- Baghi, Ward No.25, P.S.- Lohiyanagar, Distt.- Begusarai

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 05-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. A perusal of the first information report and the seizure list would go to show that total 12 liters of Codiscant T cough syrup containing codeine and 190 packets of injection were recovered near the main gate of the house of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners has no concern with the said recovery and the said recovery has been made near their main gate of the house, which is an open place and easily accessible to anyone. He further submits that there is no independent witness to the



seizure violating the mandatory provisions of search and seizure. He further submits that 120 bottles of syrup will contain 1200 mg of codeine, which is equal to 1.2 gm of codeine and the same is less than the small quantity. It is also a fact that the petitioners were not caught on the spot and nothing has been recovered from their physical or conscious possession.

5. Taking into consideration the abovementioned facts and circumstances of the case and further that the petitioners have no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/ successor Court in connection with Lohiyanagar P.S. Case No.112 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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