

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16467 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- Excise P.S. District- Madhepura

Jai Prakash Yadav S/O Ghogha Yadav R/O Vill.- Vishnupur, Ward no. 12,
P.S.- Murliganj, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 04-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Madhepura Excise PS Case No. 07 of 2025 instituted for the
offences under Section/s 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution alleges that on 08.01.2025, police
received a tip-off about illicit codeine cough syrup dealings in
Vishunpur, Ward No. 12, *Murliganj*. Acting on the information,
police conducted a raid during which the petitioner attempted to
flee but was apprehended. Upon search, 70 liters of illegal
codeine cough syrup was recovered from the petitioner's
possession.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of codeine. The petitioner is in custody since 09-01-2025 and has got no criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that police after completion of investigation has submitted charge sheet under Section 30(a) of the Excise Act.

6. From a perusal of the records, it appears that the present case has been instituted under Section 30(a) of the Excise Act, and upon completion of investigation, the police have submitted charge sheet under the same provision. Therefore, the provisions of the NDPS Act are neither attracted nor applicable to the present case.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhepura Excise PS Case No. 07 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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