

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15065 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- GAYA KOTWALI District- Gaya

1. Dharmendra Kumar, son of Late Kameshwar Raut, Resident of Manpur, Kurmi Tola, Manpur, P.S. - Mufassil, District - Gaya, Bihar
2. Mohit Kumar, son of Bigan Prasad @ Vigan Prasad, Resident of Tekari Road, Dharni Tola, Purushottam Das Lane, Murarpur Road Gaya, P.S.- Kotwali, District - Gaya, Bihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ajit Kumar Ojha, Advocate Mr. Abhimanyu Kumar, Advocate Mr. Mrityunjay Kumar, Advocate Ms. Urvashi Bharti
For the Opposite Party/s :	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 29-08-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with

Kotwali P.S. Case No.21 of 2025 registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition and

Excise Act.

3. The accused/petitioners are named in the FIR

and are in custody since 17.01.2025.

4. During the police raid, the petitioners along with

other co-accused persons were found unloading cough syrup,

where one of the composition was “codeine phosphate”,



which is a prohibited drug as per Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'N.D.P.S. Act').

5. It is submitted by learned counsel appearing for the petitioner that the drug in issue was of S.R. Traders and, therefore, for release of same the proprietor of firm namely, Shree Ram Kumar filed C.W.J.C. No.11353 of 2025 before Division Bench of this Court. It is submitted that as petitioners were engaged for unloading the same, they were implicated with present case, having otherwise no idea about the drugs which was sealed in cartoons or any composition of the drug as alleged through FIR being one of the narcotic substance. It is pointed out that the scheduled drugs can be stored as per license of the petitioner of aforesaid C.W.J.C. being 'Schedule-H' drug in his godown for the purpose of sale. While concluding argument, it is submitted that investigation of this case is already completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover both petitioners are men of clean antecedent.

6. Learned APP opposed the prayer for grant of bail



to the petitioners.

7. In view of aforesaid factual submissions, as recovered drugs *prima facie* claimed by authorized dealer, as discussed aforesaid, coupled with the fact that the investigation of this case is already completed, where both petitioners are in custody since 17.01.2025, accordingly, both above-named petitioners are directed to be released on bail 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 Additional Sessions Judge-cum-Court of Exclusive Special Excise, Gaya/concerned court in connection with Kotwali P.S. Case No.21 of 2025, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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