

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17766 of 2025

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

Rohit Kumar S/O Late Shashibhusan Prasad R/O Gangamahal, Tutwari,
Gaya, Police station- Kotwali, District- Gaya. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 19-09-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks 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/petitioner is named in the FIR
and is in custody since 17.01.2025.

4. During the police raid, the petitioner 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 petitioner was engaged for unloading the same, he was 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 petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

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 petitioner remains in custody since



17.01.2025, accordingly, petitioner above-named is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise, Court No. 4, 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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