

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17287 of 2025

Arising Out of PS. Case No.-229 Year-2024 Thana- Excise P.S. District- Supaul

Md. Feroz Alam S/o Jabbar Miya Resident of Kajra, ward No 11, PO-
Gidhha, PS- Shankerpur, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Excise Supaul P.S. Case No. 229 of 2024 dated 19.09.2024 for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 280 litres of viscof cough syrup containing codeine was recovered from the Scorpio.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the registered owner of the said vehicle but the same was not being driven by the petitioner at the time of the alleged occurrence. It is further submitted that the petitioner has already sold his vehicle to another person. It is further submitted that the petitioner has no concern with the alleged



recovery. Nothing has been recovered from the conscious possession of the petitioner. There is no direct participation of the petitioner in the alleged crime. The petitioner has no criminal antecedents as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the recovery has been made from the vehicle of the petitioner. It is further submitted that the petitioner has not produced any valid document regarding the sale of the said vehicle. Learned A.P.P. for the State has relied in the case of **Anarul SK Vs. The State of West Bengal (Special Leave to Appeal (Crl.) No(s). 12621 of 2024.)** in which it is stated by the Hon'ble Supreme Court that *the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue and it further directed the State to consider as to whether it proposes to file an application for the cancellation of bail granted to the other co-accused who has been granted anticipatory bail.*

6. Considering the aforesaid facts and circumstances of the case, I am of the view that no case for grant of anticipatory bail is made out and the same is disposed of with direction to the petitioner to surrender before the Court below concerned within six weeks from today and pray for regular bail and the learned



Court below may consider the prayer for regular bail of the petitioner on the same day without being prejudiced by this order.

7. The application stands disposed of.

(Chandra Prakash Singh, J)

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