

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24158 of 2025

Arising Out of PS. Case No.-578 Year-2024 Thana- SAUR BAZAR District- Saharsa

Sinku Kumar Son of Kapil Dev Yadav Resident of village - Rauta Vanshi
Ward No.- 08, P.S.- Saur Bazar, Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 01-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Saur Bazar P.S. Case No. 578 of 2024, registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise (Amentment) Act, 2022.

3. The police, on a tip off trafficking of illicit cough syrup containing codeine, has intercepted a Scorpio bearing registration No. BR11PC-6397, and in course of search total 220 litres Wiscof Cough Syrup has been recovered. The police also apprehended Md. Javed, who is said to be driving the vehicle in question. The apprehended persons disclosed the name of the petitioner and one Santosh Kumar, who succeeded in fleeing away.

4. Learned Advocate for the petitioner contended that



save and except the disclosure made by the apprehended persons, there is no material suggesting the complicity of the petitioner in the crime. There is neither any compliance of the provisions of Section 103 of the BNS nor there is any independent witness to support the version of the informant; moreover during the course of investigation, no incriminating material has been recovered from the whereabouts of the petitioner. All the more, the petitioner bears fair antecedent and he undertakes before this Court that he will fully cooperate in the investigation and in the proceeding of the court. The petitioner has neither any concern with the vehicle in question nor with the recovered cough syrup.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the apprehended persons disclosed the name of the petitioner; moreover the anticipatory bail application of the petitioner is not maintainable in view of the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that barring the confessional statement made before the police, there is no material; neither there has been any recovery of incriminating



material from the whereabouts of the petitioner nor any cogent material collected during the course of investigation and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 would not attract, coupled with the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise) II, Saharsa in connection with Saur Bazar P.S. Case No. 578 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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