

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29111 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- SANGRAMPUR District- Munger

Nitish Kumar S/o Rambilash Singh Resident of Village- Lakha, PS-
Shambhuganj, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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

ORAL ORDER

3 04-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sangrampur P.S. Case No. 45 of 2025 instituted for the offences punishable under Section 30(f) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 76 bottles (100 ml each) of cough syrup has been recovered from *dhaba*.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner or from the hotel of the petitioner but recovery of banned cough syrup has been made from behind



the hotel of the petitioner which is an open place and easily accessible to public at large. The petitioner has got no concern with the alleged recovery of liquor. Charge-sheet has been submitted in this case. The petitioner is in custody since 17.03.2025 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that police, after completion of investigation, submitted charge-sheet under Section 30(f) of the Bihar Prohibition and Excise Act and not under the provision of NDPS Act. Learned APP further submitted that vide gazette notification dated 18.10.2016, the Government of Bihar has notified that all medicines or medical preparations containing (i) Codeine and (ii) Dextropropoxyphene as ingredients be treated to be intoxicants for the purposes of the Bihar Prohibition and Excise Act, 2016.

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 Sangrampur P.S. Case No. 45 of 2025.

(Rudra Prakash Mishra, J)

Alok Verma/-

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