

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30415 of 2025

Arising Out of PS. Case No.-200 Year-2024 Thana- RAXAUL District- East Champaran

Akhilesh Gupta @ Akhilesh Kumar S/o Late Suresh Prasad Gupta @ Suresh Gupta @ Suresh Prasad @ Suresh Prasad Yadav R/o Village- Asharam Road Ward No. 10, Raxaul, P.S.- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Raxaul (Haraiya) P.S. Case No. 200 of 2024, N.D.P.S. G.R. Case No. 52 of 2024 dated 09.06.2024 registered for the offences punishable under Section 414 of the I.P.C. and Sections 21 (c), 23(c) and 29 of the N.D.P.S. Act.

3. As per the prosecution case, total 36 litres *onerex cough syrup* kept in a sack was recovered from the motorcycle which was being driven by the co-accused Rohit Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not arrested on the spot. It is further submitted that the name of the petitioner has surfaced in



the present case on the basis of the confessional statement of the co-accused Rohit Kumar which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from his possession. It is further submitted that except the confessional statement of the co-accused Rohit Kumar, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The petitioner is neither the owner of the seized motorcycle nor he has any concern with seized cough syrup. There is no statutory compliance of Sections 42 and 50(1) of the N.D.P.S. Act. There is also no statutory compliance of Section 100(4) of the Cr.P.C. It is further submitted that the other co-accused Md. Rizwan Alam @ Md. Rezwan has already been granted bail by a Bench of this Court vide Cr. Misc. No. 85503 of 2024 under order dated 09.01.2025, annexed as Annexure-3 to the present bail petition. The petitioner has two criminal antecedents as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 22.03.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has further submitted that the co-accused Rohit Kumar has disclosed that this petitioner Md. Iqbal Alam and the co-accused Md. Rizwan



Alam, Akhilesh Gupta and Om Prakash Gupta are indulged in illegal business of intoxicant medicines and they had given the recovered intoxicant cough syrup to him who is their carrier.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with Raxaul (Haraiya) P.S. Case No. 200 of 2024, N.D.P.S. G.R. No. 52 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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