

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35844 of 2025

Arising Out of PS. Case No.-190 Year-2023 Thana- Excise P.S. District- Madhepura

Shekhar Kumar @ chandra Shekhar Kumar son of Pramod Prasad Yadav @
Pramod Yadav @ Anil Yadav Resident of Village -Dubiyahi, Ward No. 08,
Police Station- Madhepura, District -Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Jha, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-06-2025 1. Heard learned Counsel for the petitioner and learned
APP for the State.
2. This application, for grant of anticipatory bail, arises
out of Madhepura Excise PS case no. 190 of 2023 dated
10.03.2023, disclosing offences punishable under Section 30(a) of
Bihar Prohibition and Excise Act.
3. The prosecution story, as per the First Information
report, is that on 10.03.2023, police got secret information that
co-accused Manjesh Yadav was selling corex from his house
situated at Godhiyari village. On the said information, police party
proceeded towards the place of occurrence and upon seeing the
police party, one person started fleeing away after jumping over
the boundary wall of the house and succeeded in the same. It is
alleged that co-accused Khushboo Kumari was arrested from the



house and from the courtyard of co-accused Manjesh Yadav, 100 bottles of 100 ml each of wiscof cough syrup containing codeine were recovered.

4. Learned Counsel for the petitioner submits that the the petitioner is having no criminal antecedent and he has falsely been implicated in this case merely on the basis of disclosure of his name by the arrested co-accused, who told that the cough syrup was bought from the petitioner. He further submits that recovery of the cough syrup containing codeine has been made from the house of co-accused Manjesh Yadav and his wife was arrested on the spot by the police and no contraband material has been recovered from the house and/ or from the possession of the petitioner. He next submit that petitioner is a student and is preparing for competitive examination. He also submits that the name of the petitioner as well as his father's name was wrongly described by the arrested co-accused.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent, recovery of cough syrup has been made from the house of co-accused Manjesh Yadav, his wife was arrested and the fact that petitioner is a student, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.



7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge VII-cum-Special Judge, Excise-II, Madhepura in connection with Madhepura Excise PS case no. 190 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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