

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43815 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- Excise P.S. District- Darbhanga

Shashi Singh S/o Late Ram Sevak Singh, Resident of Durga Mandir, Hasan Chowk, ward No.11, P.S.- Town, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 11-09-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Darbhanga Excise Sadar P.S. Case No.37 of 2025 instituted under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information that petitioner deals in intoxicant substance, the police team conducted a raid and recovered 374 bottles, containing 100 ml. Each (total 37.4 litre) Onerex Cough Syrup (Codeine Phosphate Syrup) from the hut of the petitioner and the petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner has no concern with the seized material and no incriminating article has been recovered



from the conscious possession of petitioner. He further submits that there is no compliance of mandatory provisions of law in search and seizure. Learned counsel submits that petitioner has seven criminal antecedents, in which he is on bail and he is in judicial custody since 26.01.2025.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioner and submits that there is recovery of huge quantity i.e. 37.4 litre Codeine Cough Syrup from the hut of petitioner and he was apprehended on the spot. Further, petitioner has seven criminal antecedents including the cases under N.D.P.S. Act which indicates that he is a habitual offender. Therefore, the petitioner does not deserve the privilege of bail.

6. Considering submissions made on behalf of the parties, facts and circumstances of the case and the recovery of huge quantity of Codeine Cough Syrup and criminal antecedents of petitioner, this Court is not inclined to enlarge the petitioner above-named on bail. Accordingly, the prayer of bail of the petitioner is rejected.

(Sunil Dutta Mishra, J)

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