

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49342 of 2025

Arising Out of PS. Case No.-390 Year-2025 Thana- Excise P.S. District- Patna

Subhash Kumar S/o Late Panna Lal R/vill- Pattar ki Masjid, P.S.- Sultanganj,
Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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

ORAL ORDER

5 12-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Special
Excise Case No. 390 of 2025 instituted for the offences
punishable under Sections 30(a), 32 & 56(b) of the Bihar
Prohibition and Excise Act.

3. The prosecution story in brief is that on 11.03.2025,
police during patrolling near Nandlal Chapra, apprehended
accused Abhishek Kumar and Subhash Kumar (petitioner) with
108 liters of ONEREX cough syrup (containing codeine).
Acting on their disclosure, a raid was conducted at a godown
where 570 liters more were recovered from accused Vyas
Kumar, leading to their arrest for illegal possession.



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. 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 12.03.2025 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(a), 32 & 56(b) 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 Sections 30(a), 32 & 56(b) 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. 15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Excise Case No. 390 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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