

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51171 of 2025

Arising Out of PS. Case No.-136 Year-2025 Thana- Excise P.S. District- Saharsa

Vijay Kumar Son of Rajendra Das Vill-Sant Nagar, Ward No-4, P.S-Saharsa
Sadar Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate

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

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

ORAL ORDER

7 01-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Prohibition Excise P.S. Case No. 136 of 2025 instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that total 689.500
litres cough syrup containing codeine have been recovered.

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 rather the recovery has been made
from godown. The petitioner has got no concern with the



alleged recovery. Learned counsel further submitted that police after completion of investigation submitted charge-sheet under the provision of Excise Act and not under the NDPS Act and, thus, Section 37 of the NDPS Act is not applicable in the present case. The petitioner is in custody since 02.04.2025 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 stating that there is huge amount of recovery of cough syrup containing codeine.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner and since the charge-sheet has been submitted only under the provisions of Bihar Prohibition and Excise Act and not under the provisions of NDPS Act, therefore Section 37 of the NDPS Act is not applicable in the present case, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Prohibition Excise



P.S. Case No. 136 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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