

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51521 of 2025

Arising Out of PS. Case No.-151 Year-2025 Thana- Excise P.S. District- Madhepura

Ashish Kumar S/o Virendra Yadav R/o Vill- Bhairavpur, Ward No. 08, P.S.-
Singheshwar, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Pooja Prasad, Advocate

For the Opposite Party/s : Mrs.Shaheen Begum, A.P.P.

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

ORAL ORDER

5 20-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Madhepura Excise P.S. Case No. 151 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 total seven
litres of codeine cough syrup has been recovered from cow dung
house. The petitioner has arrested on the spot.

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 09.06.2025 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) 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 Section 30(a) 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 Madhepura Excise P.S. Case No. 151
of 2025.

(Rudra Prakash Mishra, J)

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