

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57249 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- EXCISE TRIVENIGANJ District- Supaul

Manish Kumar S/o Indrabhushan Chaudhari R/o- ward no. 9, Daparkha, P.s.-
Triveniganj, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 09-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case instituted
under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on secret information the
police conducted a raid and apprehended one co-accused,
namely, Raja Kumar and upon search, 36 bottles of 100 ml i.e.
3.6 litres of codeine-laced cough syrup was recovered from
motorcycle of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case being the owner of the motorcycle. Petitioner was not
apprehended on the spot. Petitioner is rightful owner of the
vehicle in question and he had, in good faith, lent the said
vehicle to the apprehended accused Raja Kumar for attending
urgent work but petitioner had no knowledge about the misuse



of his motorcycle. Petitioner has no concern with the seized codeine cough syrup. Petitioner has one criminal antecedent of different nature in which he is on bail. Petitioner undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the petitioner is owner of the motorcycle from which a huge quantity of 3.6 litres of codeine cough syrup was recovered and was used for transportation of the same and the petitioner is involved in illegal trade of codeine cough syrup. He further submits that in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)** *prima facie* case is made out against the petitioner, therefore, the anticipatory bail is not maintainable. Thus, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and recovery of a huge quantity of codeine cough syrup, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is rejected.

(Sunil Dutta Mishra, J)

Harish/-

U		T	
---	--	---	--

