

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55980 of 2025

Arising Out of PS. Case No.-158 Year-2024 Thana- BANGAWON District- Saharsa

Raja Kumar Son of Gopal Jha R/o Village - Batraha Ward No.- 25, P.S.-
Saharsa, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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

ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection with
Bangaon P.S. Case No. 158 of 2024 instituted for the offences
under Sections 30(a), 41 and 47 of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 240 litres of
codeine cough syrup was recovered from the Car.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. The
name of the petitioner transpired in this case as being owner of
the seized vehicle. The petitioner has got no concern with the
alleged recovery of liquor. Learned counsel for the petitioner,
therefore, contends that prima-facie no case is made out against



the petitioner. The petitioner has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. Similarly situated other co-accused persons have been granted regular bail by this Court vide orders dated 12.05.2025 and 15.05.2025 passed in Cr. Misc. Nos. 11867 of 2025 and 15665 of 2025 respectively.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. 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. 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, let the petitioner above named, in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail 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 Bangaon P.S. Case No. 158 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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