

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56996 of 2025

Arising Out of PS. Case No.-170 Year-2025 Thana- Excise P.S. District- Madhepura

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Sunil Kumar S/o Rajendra Mukhiya R/o vill- Gouripur, ward no 10, PS-
Singheshwar, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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

ORAL ORDER

5 04-12-2025 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. 170 of 2025 instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. That the prosecution case, in brief, is that on
24.06.2025, the informant received secret information that the
petitioner was dealing in illicit cough syrup in *Gouripur*,
whereupon a raiding team was constituted and the petitioner
was apprehended while attempting to flee. On search, a total of



69.600 litres of illegal codeine cough syrup was recovered from his 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. It is submitted that recovery is made from the joint house of the petitioner, where other family members also reside. The petitioner has got no concern with the alleged recovery of codeine. Charge-sheet has been submitted in this case under Section 30(a) of the Excise Act. The petitioner is in custody since 25.06.2025 and has two criminal antecedents. 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, ***after framing of charge, if not already framed***, 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. 170 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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