

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57678 of 2025

Arising Out of PS. Case No.-258 Year-2025 Thana- Excise P.S. District- Saharsa

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Saurabh Kumar @ Raja S/o Sanjeev Kumar R/o Village - Jai Praha Nagar,
Saharsa Ward No 30, Nagar nigam Saharsa, PO And PS Saharsa, District -
Saharsa, 852201.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krisna Ballabha Sharma, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 15-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Excise P.S. Case No. 258 of 2025 for the offence registered under
Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, on getting secret
information regarding keeping of prohibited Codein Cough Syrup
in large quantity by the petitioner in a Pick-up Van who went to his
house after parking the same near Bajrang Bali Mandir, police
party reached near specific location and saw a Bolero Pick-up Van
parked on road side in off state which was taken into custody.
Thereafter, police went to the house of petitioner and petitioner
stated that he is the owner of vehicle and came at the place of
occurrence with the key of the said vehicle and search of the



vehicle was conducted in presence of two independent witnesses present there. It is alleged that 420 litres Codein Cough Syrup has been recovered from the aforesaid Pick-up Van and petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case in view of the fact that father of the petitioner is a practicing Advocate who had cross-examined the police officials in other cases, so the police was against him and falsely implicated him and demanded bribe from his father. Petitioner is neither driver nor owner of the said vehicle but it is registered in the name of petitioner's mother and the said vehicle was given on rent to Maarg Enterprises on 23.02.2024 and Md. Shakil its Manager has filed his affidavit in this regard. Police after investigation filed charge-sheet against the petitioner. It is further submitted that since owner of the vehicle is mother of the petitioner, he has no concern with the vehicle. It is submitted that since investigation is faulty, he has filed criminal writ in this regard, which is pending consideration. Petitioner is in custody since 03.07.2025. He undertakes to co-operate in the trial.

5. Learned counsel appearing on behalf of the State vehemently opposes the prayer for grant of bail to the petitioner and submitted that huge quantity of prohibited Codein Cough



Syrup i.e. 420 lites has been recovered from the vehicle of the petitioner. Further he submits that from perusal of case diary it will appear that the said transport company had already closed year ago. The vehicle in question was in possession of petitioner and Mohd. Shakil had filed false and forged documents. It is further submitted that after investigation the police filed charge-sheet against the petitioner and in view of the nature of the allegation against the petitioner, he is not entitled for regular bail.

6. Having heard the learned counsels for the parties and the facts and circumstances of the case, nature of the allegation against the petitioner and recovery of large quantity of prohibited Codein Cough Syrup from his vehicle, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected.

(Sunil Dutta Mishra, J)

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