

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54509 of 2025

Arising Out of PS. Case No.-180 Year-2025 Thana- UDAKISHUNGANJ District-
Madhepura

Govind Kumar Sah s/o Sri Pawan Sah Resident Of Village- Bhawanandpur
Gopalpur, Ward No. 03, PS- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
Ms. Pooja Prasad, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 01-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Udakishunganj P.S. Case No. 180 of 2025, instituted under
Section 30(a) of the Bihar Prohibition & Excise Act.

3. There is recovery of 146.80 litre Codein cough syrup
from the carton near the wall of the petitioner. Some cartons were
also found in the house of the petitioner. Mother of the petitioner
was arrested on the spot and she stated that the said cough syrup
containing Codein has been kept by the petitioner and co-accused
Sonu Yadav.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case.



Petitioner has no concern with the seized cough syrup. Petitioner was not arrested from the spot. There is no compliance of mandatory provision of preparation of seizure-list. Petitioner has no criminal antecedent. Petitioner undertakes to co-operate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and stated that large quantity of Cough Syrup containing Codein has been found near the wall of the petitioner and her mother was arrested on the spot who named the petitioner that he has kept the same. 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.

6. Considering the facts and circumstances of the case and recovery of large quantity of Codein Cough Syrup from place of occurrence and allegation against the petitioner, this Court is not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the anticipatory bail petition of the petitioner is rejected.

(Sunil Dutta Mishra, J.)

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