IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60899 of 2025

Arising Out of PS. Case No.-390 Year-2025 Thana- Excise P.S. District- Patna

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Vyas Kumar @ Byas Kumar Son of Late-Panna Lal R/o Vill- Patthar Ki Masjid, P.S.- Sultanganj, Dist. - Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rahul Kumar, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 11-12-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the Case Diary.

2. The petitioner seeks bail in connection with Special Excise Case No. 390 of 2025, instituted for the offences punishable under Sections 30(a), 32 and 56(b) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that on 11.03.2025, Police during patrolling near Nandlal Chapra, apprehended accused Abhishek Kumar and Subhash Kumar with 108 litres of ONEREX cough syrup (containing codeine). Acting on their disclosure, a raid was conducted at a godown where 570 litres more liquor were recovered from the petitioner.

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. The petitioner has got no concern with the alleged recovery of liquor. Charge-sheet has been submitted in this case. The petitioner is in custody since 12.03.2025 and has no criminal antecedent. The other co-accused has been granted privilege of bail on 12.11.2025 passed in Criminal Miscellaneous No. 49342 of 2025. 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 Sections 30(a), 32 and 56(b) 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), 32 and

56(b) 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 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 Special Excise Case No. 390 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)

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