

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64899 of 2025

Arising Out of PS. Case No.-2797 Year-2024 Thana- Excise P.S. District- Patna

Vinod Rai @ Vinod Roy @ Binodh Ray S/O Late Jawahir Rai R/O Village-
Hulashitola, P.S- Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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

ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Excise
PS Case No. 2797 of 2024 instituted for the offences under
Section/s 30(a), 30(g), 32 & 56(b) of the Bihar Prohibition and
Excise Act. Earlier vide order dated 24-03-2025, passed in Cr.
Misc. 8377 of 2025, regular bail of the petitioner was rejected
by this Court.

3. The prosecution case, in short, is that total 880
litres of Wiscof syrup has been recovered in this case from the
pickup van.

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



present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Name of the petitioner has surfaced in this case as being driver of the vehicle in question. The petitioner is in custody since 11-12-2024 and has got no criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023. Learned counsel for the petitioner submits that cognizance is taken in this case under Sections 30(a), 30(f) & 41(1) of the Bihar Prohibition Amendment Act and charge is framed under Sections 30(a), 30(g), 32 & 56(2) of the Excise Act.

5. Learned A.P.P. 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 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 Sections 30(a), 30(g), 32 & 56(b) of the Excise Act, and cognizance is taken in this case under Sections 30(a), 30(f) & 41(1) of the Bihar Prohibition Amendment Act and charge is framed under Sections 30(a), 30(g), 32 & 56(2) 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 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 Excise PS Case No. 2797 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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