

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74091 of 2025

Arising Out of PS. Case No.-165 Year-2025 Thana- Excise P.S. District- Supaul

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Suraj Kumar S/o Nagendra Kumar @ Nagendra Kumar Mandal @ Narendra Kumar @ Narendra Kumar Mandal R/o Village- Rampur, Singheshwar, P.S.- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Adv.

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 10-11-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Excise Case No. 1196 of 2025 arising out of Excise P.S. (Supaul) Case No. 165 of 2025 instituted for the offences under 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 260 liters of illicit codeine cough syrup from the Bolero vehicle. The petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner is neither owner nor driver of the alleged vehicle. The petitioner has no concern with the seized article. The petitioner has never indulged either in trading of the illicit cough syrup substance. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 24.06.2025 without any rhymes or reason.

5. Learned counsel for the petitioner has filed supplementary affidavit stating therein that the charge-sheet shows that the investigation has been concluded and the petitioner has been sent up for trial under Section 30(A) of the Bihar Prohibition Excise (Amendment) Act, 2018 though the present case relates to codeine based cough syrup which is a psychotropic substance under the N.D.P.S. Act.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail



bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise Case No. 1196 of 2025 arising out of Excise P.S. (Supaul) Case No. 165 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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