

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73868 of 2025

Arising Out of PS. Case No.-344 Year-2025 Thana- Excise P.S. District- Begusarai

Niraj Kumar son of Sri Lalan Paswan Resident of village -Dariyapur Prem,
PS -Paliganj, District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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

ORAL ORDER

4 04-12-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Begusarai
Excise P.S. Case No. 344 of 2025 instituted for the offences
punishable under Sections 30(a), 32(3) & 30(f) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in brief, is that on receiving
secret information, the raiding team intercepted Hyundai Aura
and Swift Dezire vehicles near Bihat, wherefrom 3320 bottles
amounting to 332 litres of illegal codeine syrup of codeine
cough syrup was seized, out of which from Swift Dezire driven
by Niraj Kumar (petitioner) 1400 bottles (140 litres) codeine
cough syrup was recovered.



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 cough syrup. It is submitted that name of the petitioner has surfaced in this case as being driver of the vehicle in question and he was oblivious of the fact that illicit codeine cough syrup was laden in the vehicle. Charge-sheet has been submitted in this case under Sections 30(a), 32(3) & 30(f) of the Excise Act. The petitioner is in custody since 06.09.2025 and has no criminal antecedent. 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(3) & 30(f) 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 Sections 30(a), 32(3) & 30(f) 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, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 15,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Begusarai Excise P.S. Case No. 344 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)

Raj Kishore/-

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