

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74281 of 2025

Arising Out of PS. Case No.-271 Year-2025 Thana- SAUR BAZAR District- Saharsa

Aadarsh Kumar S/O Shri Sunil Kumar Suman R/O Vill.- Khajuri, Ward no. 7,
P.S.- Saur Bazar, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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

ORAL ORDER

3 04-12-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Saur Bazar
P.S. Case No. 271 of 2025 instituted for the offences punishable
under Sections 30(a), & 41(1) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in brief, is that a white Scorpio
BR11PA-6227 carrying 200 litres (2000 bottles) of banned
Wiscof cough syrup was intercepted after a chase, leading to the
arrest of Aadarsh Kumar (petitioner) and Lalit Kumar. It is
further alleged that the accused confessed their involvement,
naming associates who coordinated the transport and provided
information about police movement.



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) & 41(1) of the Excise Act and Sections 336(3) & 3(5) of the Bharatiya Nyaya Sanhita, 2023. The petitioner is in custody since 08.08.2025 and has one 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) & 41(1) of the Excise Act and Sections 336(3) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 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) & 41 of the Excise Act, and upon completion of investigation, the police have submitted charge sheet under Sections 30(a) & 41(1) of the Excise Act and Sections 336(3) & 3(5) of the Bharatiya Nyaya Sanhita, 2023. 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 Saur Bazar P.S. Case No. 271 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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