

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83065 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- Excise P.S. District- Supaul

Mukesh Kumar Son of Kari Yadav Resident of Village- Naulakhiya, Ward No. 01, P.S. and District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Patla Kumari, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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

2. The petitioner seeks bail in connection with Excise P.S. Case No. 216 of 2024, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution allegation, in short, is that there is recovery of total 217.400 liters of Wiscoff cough syrup from a car and the petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is driver and not the owner of car



in question. The petitioner has got no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 06.09.2024 and has got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023 as also of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner also submits that similarly situated co-accused has been granted regular bail vide order dated 24.02.2025 passed in Cr. Misc. No. 80652 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that total 217.400 liters of cough syrup has been recovered from the vehicle in question which amounts to 434.800 grams of Codeine, the narcotic substance as per the NDPS Act. He further submitted that altogether 434.800 grams of codeine has been found in the recovered cough syrup which is less than commercial quantity as per the NDPS Act and, hence, Section 37 of the NDPS Act is not applicable.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 216 of 2024.

(Rudra Prakash Mishra, J)

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