

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86608 of 2025

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

Amarjeet Kumar S/o Surya Narayan Singh Resident of - Pahar Chak, Ward
No. 2, P.S -Chautham, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Sinha, Adv

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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

ORAL ORDER

2 16-12-2025 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. 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 short, 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 co-accused Niraj Kumar, 1400 bottles (140 litres) codeine
cough syrup was recovered.



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 cough syrup. It is submitted that petitioner was sitting as a traveller of the seized vehicle and he has no knowledge regarding the nature of goods kept 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 got clean antecedent. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Court vide order dated 04.12.2025 passed in Cr. Misc. No. 73868 of 2025. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that, after competition of investigation, charge-sheet has been submitted 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 as 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 Bihar Prohibition and 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 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 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)

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