

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90256 of 2024

Arising Out of PS. Case No.-577 Year-2023 Thana- Excise P.S. District- Madhepura

Deshbandhu Dev @ Chhotu S/o Sri Dayanand Yadav R/o Village- Anand
Bihari, Near B.R.C., Ward No.03, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Jha

For the Opposite Party/s : Mr.Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhepura Excise P.S Case No. 577/2023 to Excise Case No. 17/2024 dated 12.10.2023 registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 47 litres of illegal wiscof cough syrup (combination of codeine phosphate) was recovered from a vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious



possession of the petitioner. The petitioner has no concern with the alleged recovery. The other co-accused person has already been granted anticipatory bail by this court *vide* order dated 12.03.2024 passed in Cr. Misc. No. 6028/2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner. Learned A.P.P. for the State has relied in the case of **Anarul SK Vs. The State of West Bengal (Special Leave to Appeal (Crl.) No(s). 12621 of 2024.)** in which it is stated by the Hon'ble Supreme Court that *the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue and it further directed the State to consider as to whether it proposes to file an application for the cancellation of bail granted to the other co-accused who has been granted anticipatory bail.* The co-accused person who was granted anticipatory bail by this court prior to the order of the Hon'ble Supreme Court in **Anarul SK Vs. The State of West Bengal (Special Leave to Appeal (Crl.) No(s). 12621 of 2024.)**

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of



learned counsel for the State, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner in accordance with law and on its own merits without being prejudice by this order.

(Chandra Prakash Singh, J)

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