

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3999 of 2026

Arising Out of PS. Case No.-173 Year-2025 Thana- Excise P.S. District- Begusarai

Ramanand Mahto @ Ram Nandan Mahto Son of Late Parshuram Mahto R/o
Village Teliya Pokhar ward No. 22, P.S. - Ratanpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

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

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

ORAL ORDER

2 27-01-2026 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. 173 of 2025 instituted for the offences punishable
under Sections 30(a), 30(f), 32(3) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 321.400
litres codeine cough syrup has been recovered from the godown
of the petitioner and 70.500 litres of codeine cough syrup has
been recovered from E-rickshaw.

4. Earlier, vide order dated 23.06.2025 passed in Cr.
Misc. No. 37325 of 2025, the prayer of the petitioner for grant
of regular bail was rejected by a coordinate Bench of this Court.



5. 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. Learned counsel further submitted that police after investigation have submitted charge-sheet under the provisions of Bihar Prohibition and Excise Act. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 14.05.2025 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that charge-sheet has been submitted in this case under the provisions of the Bihar Prohibition and Excise 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.

7. From a perusal of the records, it appears that the present case has been instituted under the provision 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.

8. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

9. 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. 173 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)

Alok Verma/-

U		T	
---	--	---	--

