

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15096 of 2026

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

Jagarnath Sah S/o- Late Ram Nath Sah R/v- Mirganj Patel Chowk, w.N o-31,
Ps- Town Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mrs. Sangeeta Sharma, APP

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

ORAL ORDER

2 25-02-2026 Heard learned senior 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 under
Sections 30(a), 30(f) and 32(3) of Bihar Prohibition and Excise
Act, 2018.

3. This is the second attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected by a co-ordinate Bench of this Court
vide order dated 24.07.2025 passed in Cr. Misc. No. 37287 of
2025 taking into account the material available on record.

4. The prosecution case, in short, is that total 321.400
litres codeine cough syrup has been recovered from the godown



of the co-accused person and 70.500 litres of codeine cough syrup has been recovered from the E-rickshaw of the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody since 14.05.2025 without any rhymes or reason and has got no criminal antecedent. It is next 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 codeine cough syrup. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Learned counsel for the petitioner further submitted that other co-accused has been granted regular bail by this Court vide order dated 27.01.2026 passed in Cr. Misc. No. 3999 of 2026.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is further submitted that police, after completion of investigation, submitted charge-sheet under the provisions of 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 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 under the provisions of 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 and 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/- (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.

(Rudra Prakash Mishra, J)

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