

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13624 of 2026

Arising Out of PS. Case No.-278 Year-2025 Thana- BIHRA District- Saharsa

VICKY KUMAR S/O KAMLESH PRASAD R/o vill - Milkipar, P.S.- Goshi,
Distt.- Jehanabad, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhola Kumar
For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-04-2026 Heard leaned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner seeks bail who is in custody since
30.11.2025 in connection with Bihra P.S. Case No. 278 of 2025
for the offences punishable under Sections 30(a) and 41 of BNS,
2023.

3. The prosecution story, in brief, is that informant
Raju Kumar, SI received a secret information that a Tata Magic
van loaded with cartons containing a large quantity of banned
cough syrup and a white coloured four wheeler luxury vehicle is
parked in which three persons are present adjacent to aforesaid
magic van in vacant land in front of house of Arjun Roy at



Village Bela, ward No.-14. For the verification of information, informant along with accompanied force reached near house of Arjun Roy where they saw one tata magic van loaded with cartons and a luxury vehicle parked on the roadside and some peoples are unloading cartons from the pickup who started to flee away on seeing the police, Police chased them & caught three persons while other unknown poerson are managed to escape. On enquiry, arrested persons told their name as 1. Sonu Ram 2. Nitish Kumar & 3. Vicky Kumar & further on enquiry, about the name and address of persons who fled away and driver of Tata Magic pickup, they could not state anything but they gave a mobile no. of driver i.e. 7870701312. Therafter, two constables namely Md. Razzaq & Gandev Ram are considered as independent witnesses and after following the procedure, police searched all three apprehended persons as well as both the vehicle in presence of them. During search, total 546 liters of codeine cough syrup are recovered from Tata Magic bearing Reg. No.BR01GN 3454 & 05 mobile phones were recovered from arrested accused. Upon strict interrogation regarding banned cough syrurph they revealed that it was provided by Suryaprakash @ Ganni (Mob. No. 9097776723, 9934453735) and Munchun Mahto (Mob. No. 8292597711) near Krishna



Niketan School, Patna. They loaded the Tata Magic with the banned wiscof cough syrup and provided the MG Hector four wheeler to guide the van. They were instructed to deliver it to Saharsa in consultation with mobile no. 9798974886 which is caught by police.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and is innocent and he has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is next submitted that it appears from the FIR that nothing has been recovered from the conscious possession of the petitioner and the recovery is made from the vehicle in question and altogether 546 liters of codeine cough syrup has been recovered from the vehicle in question. It is next submitted that there is non-compliance of mandatory provisions of Section 103 of BNSS, 2023. It is also submitted that co-accused person, namely, Sonu Ram @ Sonu has been granted bail vide order dated 31.03.2026 passed in Cr. Misc. No. 19410 of 2026 by a Coordinate Bench of this Court and the police after investigation has submitted charge-sheet and the petitioner is in custody since 30.11.2025.



5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise)-II, Saharsa in connection with Bihra P.S. Case No. 278 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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