

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14359 of 2026

Arising Out of PS. Case No.-251 Year-2025 Thana- Excise P.S. District- Madhepura

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Avishek Kumar Son of Tribhuan Yadav @ Tribhuwan Yadav Resident of
Village - Budhnagar, Ward No.- 03, Police Station - Ghailadh, District -
Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 06-05-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Madhepura Excise P.S. Case No. 251 of 2025, registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act.

3. As per the allegation, the informant got a secret
information that the petitioner is dealing in sale and purchase of
Codeine containing cough syrup. Accordingly, a raid was
conducted and, as per the allegation, from a hut made of
bamboo, total 222 liters of Codeine containing cough syrup was
recovered. The said recovery was made in a concealed state
from the heap containing burning wood.

4. Learned counsel for the petitioner has submitted



that the hut in question from where the said recovery was allegedly made does not belong to the petitioner. It is further submitted that the search and seizure is in violation of Section 103 BNSS. It has further been submitted that the case does not fall under the Excise Act. Learned counsel for the petitioner has referred to paragraph 3 of the supplementary affidavit in which it has been submitted that the quantity of Codeine recovered from the entire seizure is 444 grams and hence it is much less than commercial quantity, which is one kg. He has further submitted that the petitioner is in custody since 11.10.2025 and has got no criminal antecedent.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

6. Heard the parties and perused the record.

7. Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge VII-cum-Special Judge Excise-II, Madhepura, in connection with Madhepura P.S. Case No. 251 of 2025.

8. It is directed that the petitioner would appear on



each and every date in the trial and on default on two successive dates without reasonable explanation, the bail of the petitioner would be cancelled.

9. It is further directed that if the petitioner gets himself involved in similar nature of offence, the prosecution will be at liberty to file appropriate petition for cancellation of his bail.

(Praveen Kumar, J)

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