

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14821 of 2026

Arising Out of PS. Case No.-106 Year-2025 Thana- EXCISE SIMRAHI District- Supaul

Dilkhush Kumar Son of Suresh Yadav Resident of village - Chitri, Ward No.-
13, P.S.- Gheladh, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prasoon Kumar, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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

ORAL ORDER

2 27-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Excise
PS Simrahi Case No. 106 of 2025 instituted for the offences
under Section/s 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 120 liters
Codeine cough syrup was recovered from a Scorpio bearing
BR-19C-9886.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of cough syrup. It is



submitted that name of the petitioner has surfaced in this case as being driver of the vehicle in question and he was oblivious of the fact that cough syrup was laden in the vehicle. The petitioner is in custody since 05.08.2025 and has got two (2) criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023. Learned counsel for the petitioner lastly submits that cognizance is taken under Section 30(a) of the Bihar Prohibition and Excise Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is contended that cognizance in this case is taken under Section 30(a) 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.

6. From a perusal of the records, it appears that the present case has been instituted under Section 30(a) of the Excise Act, and upon completion of investigation, the police have submitted charge sheet under the same provision,



whereafter, cognizance is also taken under the same section. Therefore, the provisions of the NDPS Act are neither attracted nor applicable to the present case.

7. 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.

8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, 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 PS Simrahi Case No. 106 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)

Raj Kishore/-

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