

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25261 of 2026

Arising Out of PS. Case No.-299 Year-2025 Thana- Chitragupta Nagar District- Patna

Basudeo Shaw @ Basudeo Prasad Shaw @ Vasudeo Shaw @ Vashudeo Prasad Shaw Son of Late Lal Kishun Prasad Resident Of Village - Janki Niwas, Moolchand Path, Kabaddi Gali, ps- Chitragupt nagar, Dist- Patna, At Present Residing at Ward no. 73, 22A, Madanpal Lane, ps- Bhawanipur, Kolkata, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 18-06-2026 1. Heard learned counsel for the petitioner and Mr. Chandra Bhushan Prasad, learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 278 of the BNS as well as Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The Investigating Officer of the case, in compliance of the order dated 12.05.2026, is present in the Court.
4. Learned counsel for the petitioner submits that petitioner is a senior citizen, aged about 68 years and is a person with clean antecedent and has been falsely implicated in the instant case by the informant based on the secret information. It



is further submitted that the police in mechanical manner investigate and implicate. It is next submitted that allegation is of recovery of 2558 litres of Codeine Cough Syrup from the house of the petitioner and Vijay Shaw. It is also submitted that it is not in dispute that alleged Codeine Cough Syrup was recovered from the house of the petitioner but then petitioner resides with his son Jadu Shaw at Kolkata, i.e., Ward No. 73, 22A, Madanpal Lane, P.S. Bhawanipur, Kolkata, West Bengal. It is further submitted that the petitioner had given the said premises on rent to one Satyajit Kumar as would manifest from the rent agreement dated 28.02.2025 (Annexure-P/2). It is next submitted that the rent agreement is still in force. It is also submitted that from perusal of the FIR at page-15, it would manifest that the SHO recorded her statement on 16.12.2025 at 03.30 p.m. at Bank Mains Colony, Kabadi Gali, P.S. Chitragupta Nagar but then from the allegation, it appears that the same records that the SHO received information about the Codeine Cough Syrup on 19.12.2025 at 05.35 p.m. It is further submitted that from perusal of the seizure list at page-16, it would manifest that the description of the place is recorded as Moolchand Path, Kabadi Gali, P.S. Chitragupta Nagar, District-Patna, when it is being alleged that Codeine Cough Syrup was



recovered from the house of the petitioner and the seizure list also records the name of the person from whom Codeine Cough Syrup was seized i.e. Basudeo Shaw and Vijay Shaw but then no one was arrested from the place of occurrence. It is next submitted that the SHO, who instituted the instant FIR, is the same SHO who is under suspension in the case of Shambhu Girls Hostel. It is also submitted that when the aforesaid discrepancies were pointed out before this Court the Investigating Officer filed an application seeking rectification of the aforesaid discrepancies before the learned trial court and the said discrepancies were allowed to be rectified but then it is submitted that the said order by which rectification was allowed shall be challenged in a separate proceeding. It is further submitted that during the course of investigationm till now no material has surfaced connecting the petitioner with the offence. It is next submitted that it also transpired during the course of investigation that petitioner resides in Kolkata and at time comes to Patna and the house from which Codeine Cough Syrup is alleged to have been recovered, has been given on rent and during the time when the Codeine Cough Syrup is alleged to have been recovered from the house at that time the petitioner was residing at Kolkata. It is also submitted that petitioner is



cooperating in the investigation.

5. Learned A.P.P. for the State does not dispute the submissions made by the learned counsel appearing on behalf of the petitioner and fairly submits that petitioner is cooperating in the investigation on which learned counsel appearing on behalf of the petitioner submits that if the privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. After hearing the learned counsel for the parties, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Chitragupt Nagar P.S. Case No. 299 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, the learned Trial Court shall be at liberty to cancel the bail



bonds of the petitioner.

8. The personal appearance of the Investigating
Officer of the case is dispensed with.

(Satyavrat Verma, J)

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