

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26969 of 2026

Arising Out of PS. Case No.-40 Year-2026 Thana- ALAMGANJ District- Patna

Sonu Kumar S/O late Krishna Prasad Resident of Karan Samrat Community Hall, Bajrangipur, P.S.- Alamganj, District- Patna Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Nath, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 15-05-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has prayed for bail in connection with Alamganj P.S. Case No. 40 of 2026 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short, is that from a godown, altogether 791 liters of Wiscorex and Chefax-TC cough syrup containing codeine were recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that the petitioner is not concerned in any way with the godown. He was passer-by and he was



apprehended by the police. Nothing has been recovered from the possession of the petitioner. He further submits that in this case, Wiscorex and Chefax-TC cough syrup containing codeine were recovered and their recovery attracts Drugs and Cosmetics Act. He further submits that other co-accused person namely, Sonu Kumar has already been granted bail by this Court vide Cr. Misc. No. 20761 of 2026. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 14.01.2026.

5. The application for bail is opposed by learned APP for the State and stated that since cough syrup containing codeine have been recovered, the case should have been filed under Drugs and Cosmetics Act and N.D.P.S. Act.

6. In this case, cough syrup containing codeine has been recovered, which is only the violation of Drugs and Cosmetics Act as cough syrup containing codeine comes under Schedule-H Drugs and for which the person who is keeping these drugs must keep a separate register.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special court of Excise, Patna City in connection with Alamganj P.S. Case No. 40 of 2026.

Sudhanshu/-
Raushan/-

(Ashok Kumar Pandey, J)

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