

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58376 of 2025

Arising Out of PS. Case No.-918 Year-2023 Thana- KATIHAR NAGAR District- Katihar

Tahseen Hussain S/o Md. Hussain R/o Mohalla- Larkania Tola, Katihar PS-
Nagar, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Syed Masleh Uddin Ashraf, Sr. Advocate
	Mr. Rana Hason, Advocate
For the Opposite Party/s :	Ms. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 13-01-2026 1. Heard learned Senior Counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.
3. Learned Senior Counsel for the petitioner submits that the case was taken up on 22.09.2025 when the case diary was called for but the same till date has not been received.
4. The Court will not wait endlessly for the case diary.
5. Learned Senior Counsel for the petitioner submits that petitioner is a person with clean antecedent and allegation is of recovery of 110 litres of codeine cough syrup from a Toto.
6. Learned Senior Counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing



was recovered from his conscious possession and is not the owner of the seized vehicle. It is further submitted that petitioner came to be implicated based on the fact that the carton from which codeine cough syrup was recovered bore the name and tag of the shop of the petitioner. It is next submitted that merely because the name and tag was pasted on the carton that in itself does not make the petitioner an offender merely for the reason that he has a medicine shop.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner may not have been apprehended from the spot but then allegation is of recovery of 110 litres of codeine cough syrup and on the carton the name and tag of the shop of the petitioner was pasted and the investigation in the case is continuing. It is further submitted that the codeine cough syrup comes under the category of NDPS but then it appears that inadvertently the police while instituting the case did not institute the FIR under the relevant sections of the NDPS Act.

8. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Nagar P.S. Case No. 918 of 2023 pending in the Court of



learned Exclusive Special Excise Court-II, Katihar/Successor Court.

9. Hence, the prayer for anticipatory bail is rejected.

10. Let a copy of this order be communicated to the concerned Superintendent of Police for his perusal.

(Satyavrat Verma, J)

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