

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82721 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- FATUA RAIL P.S. District- Patna

1. Rahim Shekh S/O Delwar Shekh Resident of Mahawatpur, P.S- Mohanpur
Duso Bigha, Dist.- Malda, West Bengal- 732201
2. Sohag Shekh S/O Anarul Shekh Resident of Mahawatpur, P.S- Mohanpur
Duso Bigha, Dist.- Malda, West Bengal- 732201

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-02-2026 Heard learned counsel for the petitioners and
learned APP for the State.

2. A prayer for bail has been made on behalf of the
petitioner in connection with Fatua Rail P.S. Case no.21 of 2025
registered under section 30(a) of Bihar Prohibition and Excise
Act.

3. There is a recovery of a total of 45.5 liters of cough
syrup containing codeine from bags of petitioners.

4. Learned counsel for the petitioners submits that a false
recovery of 45.5 liters of cough syrup containing codeine has been
shown from the possession of the petitioners. Further, there is no
independent witness to the seizure list indicating violation of



mandatory provisions of search and seizure. The petitioners are in custody since 28.06.2025 and undertake to cooperate in the case/trial.

5. The application for bail is opposed by learned A.P.P. for the State on the ground that commercial quantity of cough syrup, containing codeine, has been recovered from the possession of the petitioners.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that recovery of commercial quantity of cough syrup with codeine content and the report of the Bihar Drugs Control Laboratory indicating that the sample contained 92.55% codeine phosphate, this Court is not inclined to grant bail to the petitioner and the application is rejected.

(Soni Shrivastava, J)

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