

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85905 of 2025**

Arising Out of PS. Case No.-295 Year-2025 Thana- SAUR BAZAR District- Saharsa

Mritunjay Kumar Son of Pulendra Yadav Resident of Village- Rauta Khem,  
Ward No. 14, P.S.- Sour Bazar, Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

4      11-02-2026                      Heard the learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner seeks regular bail in connection with  
Sour Bazar P.S. Case No. 295 of 2025 registered for the offence  
under Sections 30(a) and 41(1) of the Bihar Prohibition and  
Excise Act.

3. As per the prosecution case, there is recovery of  
225 Liters (2250 Bottles) of cough syrup from the possession of  
the petitioner.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and has not committed any offence.  
Petitioner is in custody since 25.08.2025. He further submits  
that the provisions of NDPS Act have not been added in the case  
for the recovery of 225 liters of cough syrup.



5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that the provisions of N.D.P.S. Act have not been added by the Police for the recovery of 225 liters of cough syrup and now the petitioner is also facing the prosecution under the NDPS Act for the aforesaid recovery.

6. In the course of hearing, the learned counsel for the petitioner has produced an order of the Exclusive Special (Excise) Judge-II, Saharsa dated 16.10.2025 by which one of the co-accused Abhinav Anand @ Ranjan Yadav has been granted bail by the Special Judge.

7. The bail was granted to the co-accused Abhinav Anand @ Ranjan Yadav when the provisions of the NDPS Act were not added to the case.

8. Considering the huge recovery of cough syrup from the possession of the petitioner, this Court is not inclined to grant regular bail to the petitioner.

9. Accordingly, this application for regular bail stands rejected.

10. The Exclusive Special (Excise) Judge-II, Saharsa is directed to consider the addition of the provisions of the NDPS Act in the FIR and will transfer the case to the Special



Judge, NDPS Act. He can also review his earlier bail order dated 16.10.2025 in accordance with law as now the provisions of the NDPS Act have been added in the FIR.

11. The certified copy of the order dated 16.10.2025 is taken on record.

(Sandeep Kumar, J)

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