

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86096 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- EXCISE SIMRAHI District- Supaul

Wali Rahmani S/o- Md. Kalam Azad R/v- Jhitkiya NO-6, Ps- Singheshwar
Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 31-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Excise Case No. 775 of 2025 arising out of Excise (Sitamarhi) PS Case No.59 of 2025 instituted for the offences under Sections 30(a) & 32 of the Bihar Prohibition Excise Act. Vide order dated 05.08.2025, passed in Cr. Misc. no. 52842 of 2025, bail of the petitioner was rejected by a Co-ordinate Bench of this Court.

3. Prosecution allegation, in short, is that during vehicle checking, police intercepted a car and on search, there is recovery of 158.500 liters of codeine cough syrup from beneath the middle seat of the vehicle.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered cough syrup. The petitioner is in custody since 12.05.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that police, after completion of investigation, submitted charge-sheet under Section 30(a) of the Bihar Prohibition and Excise Act and not under the provision of NDPS Act. Learned APP further submitted that vide gazette notification dated 18.10.2016, the Government of Bihar has notified that all medicines or medical preparations containing (i) Codeine and (ii) Dextropropoxyphene as ingredients be treated to be intoxicants for the purposes of the Bihar Prohibition and Excise Act, 2016.

6. From a perusal of the records, it appears that the present case has been instituted under Sections 30(a) & 32 of the Excise Act, and upon completion of investigation, the police have submitted charge sheet under 30(a) of the Excise Act.



Therefore, the provisions of the NDPS Act are neither attracted nor applicable to the present case.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise Case No. 775 of 2025 arising out of Excise (Sitamarhi) PS Case No.59 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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