

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90666 of 2025

Arising Out of PS. Case No.-496 Year-2025 Thana- Excise P.S. District- Begusarai

1. Baijanta Kumar @ Baijnata kumar S/o Suresh Rai R/o Village- Rustampur, ward no. 12, PS- Rustampur, Distt.- Vaishali
2. Chandan Kumar S/o Dablu Choudhary R/o vill - Kalyanpur, ward no. 4, P.S.- Athmalgola, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Paswan, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Excise P.S. Case No. 496 of 2025 instituted for the offences punishable under Sections 30(a), 30(F), 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 690 litres codeine cough syrup has been recovered in this case.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submitted



that police, after completion of investigation, have submitted charge-sheet under the provisions of Bihar Prohibition and Excise Act. The petitioners have got no concern with the alleged recovery of liquor. The petitioners are in custody since 14.11.2025 and have no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned APP further submitted that charge-sheet has been submitted in this case under the provisions of the Bihar Prohibition and Excise 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 the provision of the Bihar Prohibition and Excise Act and upon completion of investigation, the police have submitted charge sheet under the same provision. 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 as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 496 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioners' own or a close family member.

(II) The petitioners shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioners shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

(IV) The petitioners shall not commit any offence of a similar nature in future.

(V) The petitioners shall not leave the territorial jurisdiction of the learned court below without prior permission



of the court concerned.

In case of violation of any of the aforesaid conditions,
the Trial Court shall be at liberty to cancel the bail bonds of the
petitioners.

(Rudra Prakash Mishra, J)

Alok Verma/-

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