

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87321 of 2025

Arising Out of PS. Case No.-179 Year-2025 Thana- Lakho District- Begusarai

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1. Satish Kumar S/O Natho Ray @ Nathu Ray R/O Chandpur Ward no. 4, P.S.- Raghapur, Dist.- Vaishali, Bihar
 2. Akash Kumar S/O late Dinesh Paswan R/O Chaknoor (Chandpur), Ward no. 10, P.S.- Nagar, Dist.- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Anurag, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 31-01-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Lakho P.S. Case No. 179 of 2025 instituted for the offences punishable under Sections 30(a), 30(f), 32(ii), 41(i) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 980 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 investigation have submitted charge-sheet under the provisions of Bihar Prohibition and Excise Act. The petitioners have got no concern with the alleged recovery. The petitioners are in custody since 22.08.2025 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 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 Lakho P.S. Case No. 179 of 2025, subject to the following conditions:

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

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

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