

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91477 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- EXCISE GOGRI District- Khagaria

Pankaj Sahni S/o Ramdev Sahni @ Ramdeo Sahni Resident of - Dumrighat,
Ward No. 02, P.S. - Beldaur, District - Khagaria, Pin - 852161

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

2 19-01-2026 Heard Mr. Prashant Kumar, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with Gogri
Excise P.S. Case No. 40 of 2025 instituted for the offences
under Sections 30(a) and (f) of the Bihar Prohibition and Excise
Act.

3. Prosecution allegation, in short, is that total 6.4
litres of codeine containing cough syrup has been recovered in
this case.

4. Earlier, vide order dated 30.07.2025 passed in Cr.
Misc. No. 50539 of 2025, the prayer of the petitioner for grant
of bail was rejected by a coordinate Bench of this Court.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 14.04.2025 and has got one criminal antecedent. Learned counsel further submitted that police after investigation submitted charge-sheet under Sections 30(a) and (f) of the Bihar Prohibition and Excise Act, however, learned court below took cognizance under Sections 30(a) and (f) of the Bihar Prohibition and Excise Act and Section 20(b)(ii)(c) of the NDPS Act and subsequently, charge has been framed against the petitioner under Section 20(b)(ii)(c) of the NDPS Act and Section 30(a) of the Bihar Prohibition and Excise Act. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submits petitioner has no concern with the alleged recovery. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case as also 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/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gogri Excise P.S. Case No. 40 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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