

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9712 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Vaishali

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MUNNA KUMAR Son of Shri Bhagwan Das Resident of Village -  
Jurawanpur Ward no.5, P.s.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.  
Mrs. Vaishnavi Singh, Adv.  
For the Opposite Party/s : Ms. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      01-07-2022                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with C2A  
Case No. 02 of 2022 registered for the offences punishable  
under Sections 30(a), 32(1), 32(3), 41(1), 41(2) of the Bihar  
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery  
of 1500 kg. bhang from the vehicle in question and the said  
vehicle was being driven by the petitioner and he was  
apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 01.01.2022 and bears criminal antecedent of three cases in which one case is of similar nature and he is on bail in two cases. He further submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that for the purpose of intoxicant drug there is a separate Act which is the NDPS Act and in the said Act, Bhang is excluded. Seizure list has not been prepared as per law. Nothing has been recovered from conscious possession of the petitioner. Petitioner is neither owner of the pickup van in question nor he has got any concern with the seized article in question. Prosecution report has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, prosecution report has been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act-II,



Vaishali at Hajipur in connection with C2A Case No. 02 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(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.

**(Alok Kumar Pandey, J)**

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