

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31282 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Jay Prakash Rai Son of Ram Prasad Rai Resident of Village-Terasiya Diyar,
P.S.-Ganga Bridge, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Alamganj
P.R. Case No. B-128 of 2022 registered for the offence under
Sections 30(a), 32(1), 32(3), 41(1) and 42(2) of the Bihar
Prohibition and Excise Act.

The accused/petitioner is named in the prosecution
report and is in custody since 01.02.2022.

The allegation against the petitioner is to have in
possession of 1600 kg of '*Bhang*', which was recovered from a
truck bearing Registration no. BR 01 GB 8798.



Learned counsel appearing on behalf of the petitioner submitted that recovery was made exclusively of hemp powder from a truck, where petitioner was the driver and, moreover, nothing surfaced from perusal of the prosecution report, which may suggest that petitioner was under knowledge to have in possession of hemp powder. It is also submitted that the alleged truck, from where the recovery was made, was jointly occupied. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovered substance is hemp powder, which is prohibited in view of Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

In view of the facts and circumstances, as mentioned above, as alleged hemp was not recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Alamganj P.R. Case No. B-128 of 2022 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, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

The physical appearance of I/O of this case before this Court is dispensed with.

(Chandra Shekhar Jha, J)

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