

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53136 of 2022**

Arising Out of PS. Case No.-82 Year-2018 Thana- BACHHWARA District- Begusarai

Munna Rai @ Munna Ray, aged about 50 years (M), Son of Late Sahdeo Rai,  
R/O Village- Rupaswaj, P.S. Bachhwara, District- Begusarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Jai Prakash Singh, Advocate  
For the Opposite Party : Mr. Rajeev Nayan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

7      05-07-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with  
Bachhwara P.S. Case No. 82 of 2018, corresponding to N.D.P.S.  
Case No. 08 of 2018 registered for the offences under Sections  
20 and 22 of the N.D.P.S. Act.

The prosecution case, in brief, is that 32 kgs., Ganja is  
said to have been recovered from the house of the petitioner.

This is third attempt on behalf of the petitioner for  
grant of bail.

Earlier bail applications of the petitioner were rejected  
vide Cr. Misc. No. 62270 of 2019 under order dated 07.11.2019  
and Cr. Misc. No. 55850 of 2021 under order dated 05.01.2022  
by a Bench of this Court, annexed as Annexures-1 and 2 to the



present bail application taking into account that 32 kgs. Ganja is said to have been recovered from the house of the petitioner and the petitioner was not entitled for grant of bail in light of Section 37 of the N.D.P.S. Act.

A report was called for from the learned court below regarding the present stage of the case. It has been reported that out of six prosecution witnesses, four prosecution witnesses have already been examined.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.05.2019. He has remained in custody for more than four years. The petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no recovery from the conscious possession of the petitioner. The petitioner had no knowledge regarding the contraband kept in the house. Learned counsel for the petitioner has further relied upon the case of *Mohd. Muslim @ Hussain Versus State (NCT of DELHI)* passed in *Cr. Appeal No(s). 943 of 2023*, arising out of *Special Leave Petition (CRL. ) No(s). 915 of 2023* rendered by Hon'ble Supreme Court. It has further been pointed out that the Hon'ble Supreme Court considered Section-37 of the N.D.P.S. Act, and taking into account multiple factors, granted bail to the



accused. The case of the petitioner comes within the purview of the judgment as referred above.

Considering the same and coupled with the fact that there is no chance of the trial being concluded in near future and the petitioner has remained in custody for more than four years, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, N.D.P.S. Act, Begusarai in connection with Bachhwara P.S. Case No. 82 of 2018, corresponding to N.D.P.S. Case No. 08 of 2018.

Further, the petitioner shall be present on each and every date before the learned trial court. If he fails to appear on two consecutive dates, learned court below will be at liberty to cancel the bail bonds of the petitioner.

**(Sudhir Singh, J)**

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