

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58032 of 2025

Arising Out of PS. Case No.-259 Year-2025 Thana- DINARA District- Rohtas

Munna Kumar Singh @ Munna Singh S/O Gopal Singh Resident of Village-
Basuhari, P.S.- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Kant, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 16-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case instituted under Sections 20(b)(ii)/22 of the N.D.P.S. Act and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on secret information that the co-accused Gopal Singh with his son Munna Kumar Singh (petitioner herein) are involved in illegal trade of *ganja* and illicit liquor and kept the same in their house. On raid, the police recovered 7.8 kg *ganja* and 17.1 litres illicit liquor from the cowshed of the house of petitioner. The apprehended co-accused Gopal Singh, who is father of the petitioner, has stated that the petitioner has brought the said *ganja* and illicit liquor and kept in the house and used to sell the same. It is alleged that the



petitioner fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner has separate dwelling house and the recovery is made from the cowshed which is in joint possession of the family members. Petitioner had no knowledge about the seized materials. Petitioner was not present at the spot and he has no criminal antecedent. Petitioner is also working as a Clerk in the college. He further submits that the father of the petitioner, namely, Gopal Singh has been granted regular bail by this Court vide order dated 21.08.2025 in Cr.Misc.No.56469 of 2025.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that the petitioner is involved in the alleged offence. There was specific secret information against the petitioner and his father, and on raid the recovery of 7.8 kg *ganja* and 17.1 litres illicit liquor from the cowshed of the petitioner was made and the apprehended accused (father of the petitioner) has specifically stated the name of petitioner that he is involved in the said offence. He further submits that in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)** *prima facie* case is made out against the



petitioner, therefore, the anticipatory bail is not maintainable.

6. Having considered the submissions of learned counsel for the parties and the facts that the apprehended co-accused (father of the petitioner) has specifically stated that the petitioner has brought the said *ganja* and illicit liquor and kept in his house and used to sell the same, there is *prima facie* case made out against the petitioner. Accordingly, this Court is not inclined to grant anticipatory bail to the petitioner. Thus, his prayer for anticipatory bail is rejected.

7. It is clarified that if the petitioner surrenders before the learned Trial Court and seeks regular bail, the same shall be considered on its own merit without being prejudiced from the rejection of his anticipatory bail.

(Sunil Dutta Mishra, J)

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