

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33188 of 2026

Arising Out of PS. Case No.-298 Year-2025 Thana- UDAKISHUNGANJ District-
Madhepura

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Munna Kumar @ Munna Yadav Son of Shayamanand Ray Resident of village
- Ladugarh Ward No.- 10, P.S.- Jankinagar, District - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2026 Heard Mr. Rahul Kumar Singh, learned counsel for
the petitioner and Mr. Choubey Jawahar, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.02.2026 in connection with Udakishunganj P.S. Case No.
298 of 2025 (Excise Case No. 135 of 2026), F.I.R. dated
24.08.2025 for the offences punishable under Sections 30(a) of
the Bihar Prohibition and Excise Act (Amended) 2022.

3. Recovery is of 138 litres 700 ml of codeine
containing cough syrup.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that altogether 138 litres 700 ml of codeine containing cough syrup were recovered from the tempo in question. He further submits that he has been made accused merely on the basis that he is the owner of the tempo in question. He further submits that in fact, the original owner of the tempo in question has not transferred the same in favour of the petitioner. And police after submitted charge sheet on 24.02.2026 itself and charge has also been framed against the petitioner on 16.03.2026. The petitioner is in custody since 03.02.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the original owner of the tempo has not transferred the tempo in question in favour of the petitioner, the petitioner was not apprehended at the place of occurrence and he has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District & Sessions Judge V-cum-Special Judge Excise-I, Madhepura in connection with Udakishunganj P.S. Case No. 298 of 2025 (Excise Case No. 135 of 2026) subject to the



following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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