

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27263 of 2015

Arising out of PS.Case No. -64 Year- 2012 Thana -BARACHATTI District- GAYA

1. Binod Yadav, Son of Puna Yadav.
2. Ishwari Yadav, Son of Chattu Yadav.
3. Kumar Yadav @ Rajkumar Yadav, Son of Tilpa Yadav.
4. Kedar Sao, Son of Nago Sao.
5. Shiv Nandan Yadav, Son of Billu Yadav.
6. Lato Yadav, Son of Chattu Yadav.
7. Sarju Sao, Son of Nago Sao.
8. Shivan Yadav, Son of Hemraj Yadav.
9. Bandhu Yadav, Son of Jaladi Yadav.
10. Brichh Yadav @ Ram Briksh @ Ram Briksh Yadav, Son of Chhattu Yadav. All residents of village - Moshundha, P.S. Mohanpur, District – Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Dharendra Kumar, Advocate.
For the Opposite Party : Mr. Shyam Bihari Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-09-2015 Vide order dated 21.07.2015, anticipatory bail application of petitioner nos. 3, 4, 5, 7 and 8 has been dismissed as withdrawn.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 64 of 2012 for the offences instituted under Sections 15 and 18 of the NDPS Act.

The prosecution story, in brief, is that on getting information that in the villages- Bilaspur, Jalni and Mashaundha cultivation of Afim(opium) is being done, the informant alongwith police force raided those villages and found Afim plants grown in the field. Some plants had ripened and fruits were taken out. The people of villages named these petitioners who were indulged in such business. These petitioners are named in the F.I.R.

It has been submitted on behalf of the petitioners that the petitioners have been made accused due to mistake of fact. It is further submitted that no body has seen the petitioners cultivating the said crop on the government land. Other co-accused have been granted anticipatory bail vide Cr. Mis. Nos. 34042/2014, 43046/2014 and 28554/2014.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1, 2, 6, 9 and 10 above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in connection with Barachatti (Mohanpur) P.S. Case No. 64 of 2012 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the

learned SDJM, Sherghati, Gaya, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

