

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33183 of 2015

Arising Out of PS.Case No. -30 Year- 2014 Thana -RAJAULI District- NAWADA

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Mahesh Rai, Son of Late Jagdish Rai, resident of village - Near Gandhi School, Tilaiya, P.S.- Tilaiya, District - Kodarma (Jharkhand)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Khurshid Alam, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 09-11-2015 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Spl. Case No.03 of 2014 arising out of Rajauli P.S. Case No.30 of 2014 for allegedly having committed the offence under Section 18 of the NDPS Act.

Learned counsel for the petitioner submits that it has been alleged that opium plants were standing over 3 bighas of land, which was the land to be belonging to the petitioner Mahesh Rai, who is alleged to be the *Gotiya* of the persons who were named by some bystanders, who had come to take a bath near the land where the crop was grown as such. Learned counsel for the petitioner submits that the petitioner has no concern with the aforesaid land; rather it has been under the

occupation by others and the petitioner is a resident of the State of Jharkhand and not where the land was supposed to have been situated.

Earlier, a report was called for from the Circle Officer of Rajauli, who has after enquiry given a report that the said lands do not stand in the name of the petitioner.

Considering the aforementioned facts and circumstances and that the petitioner has no criminal antecedents, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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, Nawada, in connection with Spl. Case No.03 of 2014 arising out of Rajauli P.S. Case No.30 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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