

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52578 of 2015

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

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1. Jagarnath Yadav Son of Bandhu Yadav
 2. Kedar Yadav Son of Baldeo Yadav
 3. Pernal Yadav Son of Raudi Yadav All R/o Village Bilashpur, P.S. Mohanpur, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

For the Opposite Party/s : Mr. Dr .Ajeet Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-12-2015 Heard learned Counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 64 of 2012 for offences registered under Sections 15, 18 of N.D.P.S. Act.

Prosecution case is that as per statement of Pitambar Rai, SHO, Mohanpur Police Station recorded on 18.02.2012 at 4.30hrs at village Moshundha is that in the morning at about 5.30, he received confidential information that residents of Village Bilashpur, Jalhi, Mosuhdha are cultivating Afim in forest area for business. On that information the informant raided the villages of

Bilashpur, Jalhi, Moshundha at about 10.30 A.M. and found Postadana (Afim) is being cultivated on three bigha of land. When raid party reached near the field, seeing the police party several persons arrived and on being asked about cultivation of Postadana they disclosed the name of persons who were cultivating the same and named 23 persons from different villages alleging that petitioners and other co-accused are cultivating the postadana for business.

It has been submitted by the learned Counsel for the petitioners that they had never cultivated the forest land. The informant named the petitioners on the basis of information given by the villagers but there is no evidence that the petitioner had ever sown postadana crops in the Government land. Further in Cr. Misc. No. 34042 of 2014, on the basis of the same and similar allegations upon other persons as the petitioners, a report was called for from the Senior Superintendent of Police, Gaya, whether the plot numbers of the land had been mentioned. The names of the petitioners surfaced on mere disclosure made by some villagers. The Senior Superintendent of Police, Gaya reported that names of some of the accused persons have been wrongly mentioned but villagers disclosed that some of the villagers have sown poppy seed crops in the forest.

The Co-ordinate Bench of this Court has granted the privilege of bail to other co-accused on same and similar footing in Cr. Misc. No. 34042 of 2014, Cr. Misc. No. 28554 of 2014 and Cr. Misc. No. 27263 of 2015. I do not propose to take a different view.

On behalf of the State, it has been submitted that the petitioners are named in the First Information Report.

Be that as it may, let the above named petitioners, in the event of arrest or surrender before the court below within a period of six weeks from today be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) each with two securities of like amount each to the satisfaction of the learned Sessions Judge, Sherghatti, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 64 of 2012 subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

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