

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32957 of 2016

Arising Out of PS.Case No. -109 Year- 2016 Thana -BARACHATTI District- GAYA

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1. Tahal Yadav S/o Late Lekha Yadav, resident of Village-Kewalia, P.S.-
Barachatti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Smt. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 24-08-2016 Heard learned counsel for the petitioner and the

State.

Petitioner is languishing in custody since
26.04.2016 in a case registered for the offences punishable
under Sections 15, 18 of the Narcotics Drugs and
Psychotropic Substances Act.

The prosecution case is that the Forest Officer of
Bhalya Range being the informant of the present case
submitted a written report stating therein the accused
persons including the petitioner found cultivating opium
plants at Dowat protected forest area near Pem Nagar.

It is submitted by the learned counsel for the
petitioner that admittedly the land was of a protected forest
area and there is nothing on record to suggest that the
petitioner was making cultivation on the land in question. It

is further submitted that the First Information Report does not suggest the area in which the cultivation was found done, nor the number of plants. Prosecution report does not suggest that any seizure being made. During investigation most of the witnesses are either the Constable of the police force or the forest officers are hearsay witnesses. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

It is submitted by the learned A.P.P. that spy of the police force suggest that the petitioner and others are making the cultivation.

Considering the suspicious nature of accusation, even the First Information Report neither reflects the area of cultivation nor the quantity of plants or any seizure being made in pursuant to the lodging of the prosecution, let the above named petitioner, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gaya in connection with Barachatti P.S. Case No. 109 of 2016.

(Dinesh Kumar Singh, J)

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