

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43300 of 2017

Arising Out of PS.Case No. -69 Year- 2017 Thana -BARACHATTI District- GAYA

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1. Ishwari Singh Bhokta @ Ishwari Singh Son of Late Lekha Singh, R/o
Village- Bighi, 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. Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Barachatti P.S. Case No.
69 of 2017 instituted for the offence under Section-30(B) of the Excise
Act and 18/20/22 of the NDPS Act.

As per written report, on the basis of confidential
information given by Ravi Shankar C.O. before officer-in-charge, he
visited the place of occurrence and found that opium was being
cultivated in the raiyati land belonging to different persons as named in
the written report, which includes the name of this petitioner. Seizure
list is annexed with the written report wherein it has been mentioned
that police recovered 35 pieces of Toda of Afim from different lands.

It has been submitted by the petitioner that none of the land
belongs to him. The petitioner is a landless person. There is no
description of the land either in the written report or in the seizure



list.

It has been mentioned at paragraph-3 of the petition that the petitioner has clean antecedent.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Barachatti P.S. Case No. 69 of 2017 to the satisfaction of learned Sessions Judge, Gaya subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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