

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40379 of 2017

Arising Out of PS.Case No. -60 Year- 2017 Thana -PATORI District- SAMASTIPUR

=====

Bhonu Ray @ Bhanu Ray, Son of Late Rameshwar Rai, Resident of
Village- Hettanpur Kadam Tola, P.S.- Patory, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 03-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Patory P.S. Case
No. 60 of 2017 instituted for the offence under Sections 8, 15, 18, 46,
47 and 48 of N.D.P.S. Act.

Learned counsel for the petitioner has submitted that he
was not caught on the spot. There is no specific allegation either in the
written report or in the entire case diary that the so- called opium
(*Afeem*) plant has been cultivated by the petitioner. It has further been
submitted that there is no signature either by the petitioner or his family
members on the seizure list. The *Afeem* plant has been sent to the
Forensic Science Laboratory for examination but the report has not
been received.

In the written report it is alleged that *Afeem* Plant has been
recovered from the field of the petitioner.



Learned A.P.P. after looking into the entire case diary has submitted that there is no any specific allegation or statement by the witnesses that petitioner has cultivated opium (*Afeem*) plant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Patory P.S. Case No. 60 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, N.D.P.S. Samastipur, subject to the conditions as laid down under Section 438 (2) 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)

S.Ali/-

U		T	
---	--	---	--

