

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67737 of 2018

Arising Out of PS. Case No.-63 Year-2012 Thana- BARACHATTI District- Gaya

Birendra Deshwari Son of Late Janki Singh, Resident of Village- Basukurha,
P.S. Mohanpur, District Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 29-11-2018

Heard the parties.

The petitioner seeks bail in Barachatti (Mohanpur)
P.S. Case No.63 of 2012 registered under Sections 15 and 18 of
N.D.P.S.Act.

Allegation as per the F.I.R. is of recovery of one
bundle of plant of Posta Dana(Opium) from the field of the
petitioner. The petitioner is named in the F.I.R.

Submission of the learned counsel for the petitioner is
that there is nothing available on the record to show that the
land belongs to the petitioner or he grows the said plant there.
The petitioner is in custody for about 8 months.

Heard the learned A.P.P. who opposed the prayer for
bail stating that this is a case of 12 years and after six years the
petitioner has appeared in the case and caused the delay of the



trial.

Having heard both sides and in view of the facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Prayer for bail is rejected.

However, once charge is framed against the petitioner, learned trial court shall release the petitioner on bail to his own satisfaction on the condition that he will cooperate in the trial.

This application is disposed of.

(Vinod Kumar Sinha, J)

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