

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56594 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- BIDUPUR District- Vaishali

Chhotan Rai Son of Sri Nasibilal Rai, Resident of Village-Bishunpura, Police
Station-Bidupur, District-Vaishali (Bihar). Petitioner
Versus

1. The State of Bihar.
2. Union of India

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Saket Tiwary, Advocate
For the State : Mr.Chandra Sen Prasad Singh, APP
For the UOI : Mr.Uma Shankar Verma, SSC

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Union of India.

Petitioner in the present case is seeking anticipatory
bail in connection with Bidupur P.S. Case No. 85 of 2019
registered for the offences punishable under Section 18(B) of the
Narcotic Drugs and Psychotropic Substance Act, 1985.

Pursuant to the order dated 09.09.2019 passed by this
Court a counter affidavit-cum-objection petition has been filed on
behalf of opposite party no. 2. Opposite party no. 2 has brought on
record Annexure 'A' which is a report of the Circle Officer
Bidupur. According to this report the land in question is though
subject matter of dispute in a case pending in the court of Second
Officer, Hajipur and in respect of *Jamabandi* has been created in
the name of some other persons, in course of inquiry the local
persons informed that the petitioner and one Raj Kumar Rai son of



Late Nasibi Rai are in the possession of a piece of land.

Learned counsel for the petitioner has submitted that the petitioner is not owner of the land and even the seizure has not been made complying with the provisions of Section 100 Cr.P.C. and further that a learned Co-ordinate Bench of this Court has granted privilege of anticipatory bail to the petitioners of Cr. Misc. No. 33183 of 2015 and Cr. Misc. No. 31884 of 2008.

Considering that the petitioners in those cases had either no connection with the land or it was their submission that opium plant grown as weeds along with cultivated crops, this Court is of the considered opinion that there being some material in form of 'A' to the objection petition showing that the petitioner is in possession of the land in question, the petitioner does not deserve privilege of anticipatory bail. His prayer for anticipatory bail is, thus, refused.

In case, petitioner surrenders in the court below and prays for regular bail within a period of four weeks from today, the same shall be considered on its own merit without being prejudiced of the order of this Court.

(Rajeev Ranjan Prasad, J)

vats/ved

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