

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26646 of 2020

Arising Out of PS. Case No.-50 Year-2019 Thana- BARACHATTI District- Gaya

Ram Khelawan @ Khelawan Yadav Son of Kailash Yadav Resident of Village
- Jaigeer, P.S. - Barachatti, District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union of India through Narcotics Commissioner, New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 13-10-2020 Heard both parties.

The petitioner seeks bail in Barachatti P.S. Case No. 50 of 2019, registered for the offence under Sections 8, 15, 18(c) and 25 of the N.D.P.S. Act.

On a secret information that illegal cultivation of Opium Posta is being done in villager Jaigeer, the informant alongwith other police personnel reached village Jaigeer and found cultivation of said illegal substance there. The police party destroyed the crops of opium posta and after taking the samples of same, a seizure list was prepared.

It is submitted on behalf of petitioner that name of petitioner has come during course of investigation on mere suspicion. Petitioner is nowhere involved in illegal cultivation



of crops and the land in question, in which, it is alleged that crops of opium posta were being cultivated, do not belong to petitioner. In this case, chargesheet has already been submitted. The petitioner has got clean antecedent, as stated in paragraph – 3 of the petition and he is in custody since 26-12-2019.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed. 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-cum-Special Judge, Gaya in connection with Barachatti P.S. Case No. 50 of 2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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