

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65361 of 2019**

Arising Out of PS. Case No.-111 Year-2016 Thana- BARACHATTI District- Gaya

Krishna Manjhi @ Krishna Bhuiyan S/o Mangar Manjhi @ Mangal Bhuiyan
R/o village- Piprahi, P.S.- Barachatty, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 29-01-2020 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Barachatty P.S. Case No. 111 of 2016 (N.D.P.S. Case No. 13 of 2016) I.A. No. 01/19**, registered for the offences punishable under Sections 15/18 of the N.D.P.S. Act.

As per the FIR, on 23.02.2016 the informant got information that illegal cultivation of Opium is being done in forest land, situated near village-Piprahi and Phungunia. The raiding party, on getting such information, reached there and destroyed the Opium crops. On inquiry, the informant came to know that the crops belongs to this petitioner along with four accused persons.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this



case. No seizure list has been prepared. Neither the sampling has been made in this case. The land in question does not belong to this petitioner. No material has been collected against this petitioner on the basis of which it is proved that the crops belongs to this petitioner. Simply on the so-called inquiry the petitioner has been made accused in this case. Moreover, FIR was lodged after lapse of two months. Petitioner is in custody since 03.06.2019.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Sessions Judge-cum-Special Judge (NDPS Act), Gaya** in connection with Barachatty P.S. Case No. 111 of 2016 (N.D.P.S. Case No. 13 of 2016) I.A. No. 01/19, subject to the following conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the 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.

(Prabhat Kumar Singh, J)

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