

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74301 of 2019

Arising Out of PS. Case No.-76 Year-2019 Thana- BARACHATTI District- Gaya

1. SHANKAR YADAV Son of Rudal Yadav Resident of Village - Piparahi, P.S.- Barachatti, District- Gaya
2. Narain Yadav Son of Rudal Yadav Resident of Village - Piparahi, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Barachatti P.S. Case No. 76/2019 registered for the offences punishable under Sections 8/15/18(C) /25 of the N.D.P.S. Act.

The accusation against the petitioners is that they along with others cultivated opium on 26 acres of land.

Learned counsel appearing for petitioners submits that the first information report does not disclose as to on which land the opium plants were found and, moreover, there is nothing on record to show that the aforesaid lands belonged to petitioners.

The perusal of written report as well as case diary goes to show that neither plot numbers nor any document



relating to aforesaid lands was collected by the Investigating Officer in course of investigation. However, the name of petitioners were disclosed by some unknown persons and the statement of those persons were also not recorded by the Investigating Officer.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that above named petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gaya in Barachatti P.S. Case No. 76/2019 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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