

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82071 of 2019**

Arising Out of PS. Case No.-73 Year-2019 Thana- BRAHMPUR District- Buxar

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1. DHARMENDRA BIND Son of Baban Bind Resident of Village- Gayghat, P.S.- Brahmpur, District- Buxar.
  2. Jitendra Bind @ Jitendra Kumar Son of Baban Bind Resident of Village- Gayghat, P.S.- Brahmpur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anil Kumar Roy

For the Opposite Party/s : Mr.Nityanand

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      21-01-2020              Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with N.D.P.S Case No. 02 of 2019 arising out of Brahampur (Chakki) P.S. Case No. 73 of 2019 for the offence punishable under Sections 15(c), 18(B) (C) of N.D.P.S. Act, 1985 .

The allegation is regarding the police having found opium crops growing in the field belonging to some of the accused persons and as far as the petitioners are concerned, it is alleged that they were the persons who were cultivating the opium crops.

The learned counsel for the petitioners has submitted that



the petitioners have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that neither the petitioners are the owner of the field in question nor there is any material on record to suggest that the petitioners were cultivating the opium in the said field. Lastly, it is submitted that similarly situated co-accused persons have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 24.10.2019 passed in Cr. Misc. No. 49260 of 2019.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioners, coupled with the fact that the petitioners are not the owner of the field where the opium was being cultivated as also considering parity of the case of the petitioner to that of those accused persons who have been granted anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioners on anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners, above named, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of



the learned District Judge-cum- Special Court, N.D.P.S., Buxar  
in connection with N.D.P.S. Case No. 02 of 2019, arising out of  
Brahampur (Chakki) P.S. Case No. 73 of 2019, subject to the  
conditions as laid down under Section 438(2) Cr. P. C..

**(Mohit Kumar Shah, J)**

Tiwary/-

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