

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17942 of 2022

Arising Out of PS. Case No.-28 Year-2017 Thana- AMAS District- Gaya

RAM BARAT SINGH @ BARAT SINGH BHOKTA Son of Bifan Singh
Bhokta Resident of Village- Baghmarwa, P.S.- Amas, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-12-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Amas
P.S. Case No. 28 of 2017, registered for the offences
punishable under Sections 18, 20 and 22 of the N.D.P.S.
Act.

The prosecution story as emerges form the FIR is
that on an information of illegal cultivation of opium, the
informant along with other police personnels went to the
village Bhaghmarwa Tola, where they saw that opium plant
is cultivated in about *six bigha* of land. On inquiry from the
local persons, it was found that the said opium plant was



cultivated by the petitioner and his associates.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that no such cultivation was being done by the petitioner and no details of land has been given in the FIR. He also submits that the petitioner was not apprehended on the spot. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that search and seizure was not made as per the procedure prescribed under N.D.P.S. Act.

The petitioner has been languishing in jail since 31.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in two more cases.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Sessions Judge-cum-Special Court, N.D.P.S. Gaya, in connection with Amas P.S. Case No. 28 of 2017 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than



the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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