

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45880 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- CHHABILAPUR District- Nalanda

Vijay Prasad @ Vijay Mahto S/o Late Chhotan Mahto R/o village-
Chandaura, P.S.- Chhabilapur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Adv

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-12-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with

Chhabilapur P.S. Case No. 25 of 2022 registered for the

offences punishable under Sections 20 and 25 of the NDPS

Act.

As per the prosecution, the informant along with other

police personnel acting upon a secret information raided the

alleged place and found 400 small *Opium poppy* plants over

the land of this petitioner and 500 small *Opium poppy* plants

over the land of other co-accused namely, Pintu Kumar.

The main submissions advanced by learned counsel Mr. Dilip Kumar, appearing for the petitioner are that the petitioner is a government school teacher and he is the owner of the land in question where the *Opium* plants were found but in actual he had given the said land to co-accused namely Deeplata Kumari on lease and said co-accused has been granted anticipatory bail and petitioner had no concern to the alleged cultivation of the *Opium* plants and he has clean antecedent and has been languishing in jail since 12.05.2022.

Learned APP Mrs.Rita Verma, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the seizure list. Petitioner is admittedly the owner of the land where 400 *Opium poppy* small plants were found and petitioner's defence as mentioned in the petition that he had given his land on lease to one namely Deeplata Kumari does not seem reliable and the allegation of cultivating *Opium* plants on a private land of which the petitioner is owner without taking legal permission is a very serious offence under NDPS Act. Considering the seriousness of the allegation appearing against the petitioner, in the opinion of

this Court the petitioner does not deserve to the privilege of
bail. Accordingly, his prayer for bail stands rejected.

(Shailendra Singh, J.)

maynaz/-

U		T	
---	--	---	--