

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6488 of 2023

Arising Out of PS. Case No.-73 Year-2022 Thana- BARACHATTI District- Gaya

Nemdhari Singh @ Nemdhari Singh Bhokta Son of Muneshwar Singh
Resident of village- Bumer, Ambatari, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
01.09.2022, in connection with Barachatti P.S. Case No. 73 of
2022, F.I.R. dated 01.02.2022 registered for the offences
punishable under Sections 8(b), 18, 29 of the N.D.P.S. Act.

Allegation against the petitioner is that he was found
involved in cultivating opium plants on large scale over forest
land and private land.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that as per
allegation in the F.I.R. that the Officer of the Forest Department
has found illegal cultivation of the plant over the forest land and



some private lands. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner never involved such activities as alleged in the F.I.R. and in fact the prosecution has not stated anywhere that the private land belonged to the petitioner. He further submits that the petitioner specifically denied that the land in question does not belong to him and without verifying the same the petitioner has been implicated in the present false and fabricated cases. He further submits that similarly situated co-accused persons namely Chalitar Singh @ Chalitar Singh Bhogta and Kamlesh Yadav have been granted bail by a Coordinate Bench of this Court vide order dated 22.11.2022 passed in Cr. Misc. No. 38248 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Gaya in connection with Barachatti P.S. Case No. 73 of 2022, subject to



the following conditions :-

(1) 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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