

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11228 of 2023

Arising Out of PS. Case No.-109 Year-2021 Thana- BARACHATTI District- Gaya

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KESHO BHOGTA SON OF MUNESHER SINGH RESIDENT OF
VILLAGE- BUMER TOLA, AMBATARI, P.S.- BARACHATTI , DISTRICT-
GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Barachatti P.S. Case No. 109 of 2021 registered for the offences
under sections 8(b), 18 and 29 of the N.D.P.S. Act lodged on
15.02.2021 by the informant, Jay Prakash Mahto.

Prosecution case, in brief, as per written report of
informant, Jay Prakash Mahto who is the Forest Ranger Officer,
Bhalua Forest Range is that on 15-02-2021, he destroyed the
opium plants about 8.88 acre land in Bhalua Forest Area with
the help of SSB, Dhangai, Barachatti Police officials, Narcotics
Control Bureau, Patna. On inquiry, it was found that



accused/petitioner Kesho Bhokta and one other co-accused were cultivating opium plants in aforesaid area. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that he has been falsely implicated in this case. It is a forest land and cultivation of '*opium*' on it cannot be attributed to him and due to village politics, he has been implicated. Further, he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account that the petitioner is in custody since 10.10.2022 (as stated in paragraph-6 of the bail application) and further he do not have criminal antecedent, FIR lodged and ultimately he will be facing the music, this Court is inclined to extend him the privilege of bail.

If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Court of Session Judge, Gaya in connection with Barachatti P.S. Case No. 109 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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