

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19290 of 2023

Arising Out of PS. Case No.-90 Year-2019 Thana- BARACHATTI District- Gaya

PRAKASH BHUIAN S/O JITAN BHUIAN R/v- Dang, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8, 15, 18(C), 25 of the N.D.P.S. Act.

As per FIR, it is alleged that the petitioner is indulged in the cultivation of illegal Afim-Posta which was planted over 21 acres of the forest land on the bank of Mohane River.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged cultivation of Afim-Posta or with co-accused persons. It is further submitted that the land in question over which, opium was allegedly cultivated does not belong to



the petitioner. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession rather his name came into light only on the basis of disclosure made by local Chaukidar. The petitioner has got no criminal antecedent and languishing in judicial custody since 8.1.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Barachatti P.S. Case No. 90 of 2019 on furnishing bail bond of Rs.10,000/- (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.

(Sunil Kumar Panwar, J)

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