

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18653 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- ROSHANGANJ District- Gaya

Mithu Bhuiyan @ Miththu Bhuiyan, Male, aged about 65 years, Son of Late Kanhai Bhuiyan, Resident of Village - Sandaha Tola, Jhaki Bankat, P.S. - Banke Bazar, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Roushanganj (Bankeybazar O.P.) P.S. Case No. 343 of 2022, instituted for the offences punishable under Sections 20 and 22 of the N.D.P.S. Act.

3. The allegation against the petitioner is of cultivating opium plants. The informant caught the petitioner in the field of opium. After following the due procedure, sixteen opium plants were kept for sample and rest plants were destroyed in the field itself.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is further submitted that the petitioner has no concern



with the opium plants as well as the land on which opium was cultivated. Petitioner is not the owner of the land from which opium was recovered. It is further submitted that the petitioner is a poor, landless, labour and was engaged for the work of labourer. At the time of raid, he was discharging his work without knowing that the said plant is opium. He was under the impression that the said plant is some other agricultural plant. Lastly, it has been submitted that the petitioner is in custody since 22.12.2022 having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned Additional Public Prosecutor has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Gaya in connection with Roushanganj (Bankeybazar O.P.) P.S. Case No. 343 of 2022.

(Khatim Reza, J)

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