

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26878 of 2023

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

VIJAY PRASAD @ VIJAY MAHTO Son of Late Chhotan Mahto R/V-
Chandaura, PS- Chhabilapur Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chand Verma, Sr. Advocate Mr. Ranvijay Singh, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 21-06-2023 1. Heard learned senior counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with N.D.P.S. Case No. 13 of 2022 Chhabilapur P.s. Case No.25 of 2022 dated 22.02.2022 registered for the offences punishable under Sections 20 and 25 of the N.D.P.S. Act.
3. This is a second attempt of the petitioner for the relief of regular bail after the petitioner's earlier attempt for the same relief was rejected by this court vide order dated 08.12.2022 passed in Cr. Misc. No. 45880 of 2022 preferred by this petitioner.
4. 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 on the land of this petitioner and 500 small opium poppy plants on the land of other co-accused, namely, Pintu Kumar.

5. The main submissions advanced by learned senior counsel for the petitioner are that the petitioner has fair and clean antecedent and the fresh grounds on which the petitioner has come again before this court for relief of regular bail are that though the petitioner is registered owner of the land on which the opium plants were found being cultivated but during investigation, it has clearly come out that the petitioner's land was in possession of one namely Deeplata Kumari, wife of Chunchun and the said fact also finds place in the FIR and when the petitioner's earlier bail prayer was rejected, the case diary was not available before this Court and now the same is available and during investigation all the material witnesses have supported the said factum of Deeplata Kumari's possession over the petitioner's land and in actual the petitioner had given his land on lease to said Deeplata Kumari for cultivation and petitioner has been languishing in jail since 12.05.2022 and he is a government teacher.

6. Learned APP appearing for the State opposes the bail prayer.



7. Considering the above submissions and mainly taking into account the statements of the material witnesses, who have been examined during investigation, which support the above-mentioned defence of the petitioner and also taking into account the petitioner's custody period, in the opinion of this Court, in view of the above-mentioned circumstances, the petitioner is now entitled to be released on bail. Accordingly, let the petitioner be released on bail in connection with N.D.P.S. Case No.13/2022 arising out of Chhabilapur P.s. Case No.25 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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