

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28100 of 2023

Arising Out of PS. Case No.-41 Year-2022 Thana- BHADHWAR District- Gaya

1. Santosh Singh Son of Madhu Singh Resident Of Village- Nabigadh, PS- Bhadwar, Distt- Gaya
2. Visundev Singh @ Visundev Singh Bhokta Son of Shankar Singh Resident Of Village- Nabigadh, PS- Bhadwar, Distt- Gaya
3. Pankaj Singh Son of Raghu Nandan Singh Resident Of Village- Nabigadh, PS- Bhadwar, Distt- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Bhadwar P.S. Case No. 41 of 2022 registered for the offences punishable under Sections 8(B), 18/29 of the Narcotic Drugs and Psychotropic Substances Act (in short 'NDPS Act'). They have got no criminal antecedent.

As per the prosecution story, the informant received information that near the village Nabigadh, opium plant is being cultivated in the land area of 32.5 acre. On this information, the informant along with other police officials went there and saw the accused persons including these petitioners roaming around



the said field.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the only allegation against the petitioner is that they were roaming around the field where the cultivation of afim was being done.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein the only allegation against the petitioners is that they were seen roaming around the field of the forest land in which the cultivation of Afim was being done, the submission being that the allegations are vague and the petitioners have no criminal antecedent, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Gaya in connection with Bhadwar P.S. Case No. 41 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify



the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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