

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32796 of 2023**

Arising Out of PS. Case No.-9 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. MAHENDRA YADAV SON OF HEMRAJ YADAV R/O VILLAGE-HASANPUR, P.S.- HASUA (HISUA), DISTRICT- NAWADA
 2. GOVIND YADAV SON OF AMRIT YADAV R/O VILLAGE-HASANPUR, P.S.- HASUA (HISUA), DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 16-08-2023 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 20(a)
and 22 of the N.D.P.S. Act.

3. In compliance of the order dated 31.07.2023,
the complainant of the case is present in the Court.

4. The complainant, who is present, submits that
after filing of the complaint against the petitioners, he
retired from service. The complainant also very fairly
submits that no doubt, the complaint was filed alleging that



the petitioners were found involved in plantation of Cannabis on a piece of land which was in front of their house, but then no inquiry with respect to the land in question on which the Cannabis were found was investigated. It is further submitted that in the complaint also no such materials were placed which could even remotely suggest that the Cannabis found planted were on the land which belonged to the petitioners.

5. Learned counsel for the petitioners, at this stage, interjects and submits that petitioners have been falsely implicated in the present case, it is next submitted that the land on which the Cannabis were found does not belong to the petitioners, it is also submitted that if the petitioners had any intention of committing an occurrence of planting Cannabis then definitely they would not have done the same on their own land and thus would have created evidence against themselves and hence would have been implicated. It is further submitted that petitioners were not even aware that the plant which is said to be Cannabis were Cannabis. It is next submitted that petitioners are aged 40 years and 50 years and they have remained persons with



clean antecedent and all of a sudden based on a complaint filed by the complainant, who is present in the Court without even bothering to verify whether the land belongs to the petitioners or not, have been made criminal. Learned counsel next submits that since cognizance has been taken based on complaint, as such the petitioners will not abscond rather will co-operate in the trial.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Special N.D.P.S Case No. 09 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the



learned Trial Court comes to the conclusion that petitioners after obtaining bail are trying to delay the trial in any manner, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners and take all coercive steps to ensure that petitioners are behind bars.

9. The personal appearance of the complainant is dispensed with.

(Satyavrat Verma, J)

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