

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33059 of 2023

Arising Out of PS. Case No.-40 Year-2022 Thana- BHADHWAR District- Gaya

1. Kamlesh Singh @ Akhilesh Kumar Son Of Shyamdeo Singh Resident Of Village- Navigadh, PS- Bhadwar, Distt- Gaya
2. Ram Lal Singh Son Of Shivam Singh Resident Of Village- Navigadh, PS- Bhadwar, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Promad Kumar Singh, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bhadwari P.S. Case No. 40 of 2022 registered for the offences punishable under Sections 8(b), 18 and 29 of the N.D.P.S. Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on direction of superior officers, he along with other officials visited Nabigarh P.S. and found illegal cultivation of opium on 61.6 acres of forest land and 0.5 acres on non-forest land and came to know that accused persons, including the



petitioners, were involved in cultivation of illegal opium.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that cultivation of opium was found on forest land and a very insignificant cultivation was found on private land, it is further submitted that it appears that the forest officials in connivance were indulging in cultivation of opium and when it came to the knowledge of the superior authorities, the present false case came to be instituted with vague allegation, it is further submitted that the FIR does not disclose the source based on which the informant came to know about the involvement of the petitioners in the occurrence. Learned counsel for the petitioners further submits that the petitioners will not abscond rather will cooperate in the investigation and will present themselves as and when required by the Investigating Officer of the case for eliciting the truth and proving their innocence.

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

6. 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 Court below 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 court below where the case is pending/successor court in connection with Bhadwari P.S. Case No. 40 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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