

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43326 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- NAWADA District- Nawada

MAHESH MAHTO SON OF LATE BARHO MAHTO RESIDENT OF
VILLAGE-DEVENPURA, PS -NAWADA (KADIRGANJ OP) , DISTT-
NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhas Ranjan, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 8(b)
(c)/20(a)(b) of the NDPS Act.
3. The informant alleges that 48 kgs of green plants
with fruits of opium was found planted on four *dhurs* of land of
the petitioner and 21 kgs of green plants with fruits of opium
was recovered from three *dhurs* land of Suresh Mahto and
thereafter seizure was made.
4. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent, it is next submitted
that petitioner has been falsely implicated in the present case, it



is next submitted that no prudent person would use his own land for committing an occurrence and thus would create evident against himself and thus would get implicated easily, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the same is lacking in details i.e., with respect to description of the land i.e., neither khata number and khesra number of the land is mentioned along with the boundaries. The learned counsel next submits that a categorical statement has been made in anticipatory bail application at paragraph 8 that petitioner does not have any landed property except the residential house, it is next submitted that a person who does not own any land has been implicated in a case with general allegation that the land belongs to him, it is thus submitted that it appears that petitioner in a mechanical manner came to be implicated, it is further submitted that petitioner will not abscond rather will cooperate in the investigation and will present himself when required by the Investigating Officer of the case for eliciting the truth and proving his innocence that he does not have any landed property.

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

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his 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) 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 Nawada Nagar/Town (Kadirganj O.P.) P.S. Case No. 257 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

8. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

GauravSinha/-

U		T	
---	--	---	--

