

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43643 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- CHAKAI District- Jamui

1. Hema @ Hemraj @ Hema Rai @ Hemraj Rai S/O Indo Rai R/O Village- Bhagaria, P.S.- Chakai, District- Jamui.
2. Choba Rai S/O Sukar Ray R/O Village- Amtaha, P.S.- Chakai, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Raj

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-01-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek regular bail in connection with Chakai P.S. Case No. 22 of 2021 registered for the offence under Sections 15, 17, 18, 46 of the Narcotic Drugs & Psychotropic Substance Act.

As per the prosecution story, the petitioners were cultivating opium plants in the forest by making forest land plain, the informant along with police personnel reached there and seized five opium plants thereafter the F.I.R. has been lodged against the accused persons.

Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. They have falsely been implicated in this case on the basis of suspicion. A statement has been made in para-3 of the petition that the petitioners have got no criminal antecedent. The land in question from where the recovery has been made, is open forest area and petitioners have no concern either with the recovery of opium plants or with the place of occurrence. It is also submitted that the place of occurrence is doubtful for the reason that the seizure list shows the description of seized material as “Opium look-like five plants having small fruits”. Petitioner nos.1 & 2 are languishing in judicial custody since 2.4.2022 and 26.2.2022 respectively.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the F.S.L. Report corroborates the prosecution story.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Chakai P.S. Case No. 22 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of



Sessions Judge, Jamui.

(Sunil Kumar Panwar, J)

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