

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56661 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- DHIBRA District- Aurangabad

Dasharath Bhokta S/o Late Shankar Bhogta Resident of Village-Chuchiya,
PO-Singhana, PS-Dhhibra, District-Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Union of India through Narcotics Control Bureau, Govt. of India Govt. of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar
For the Opposite Party/s : Mr.Navin Kumar Pandey
Mr.K.N.Singh (ASG)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-09-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 8(b), 15(b), 18(b), 20(b), 11(c) of the N.D.P.S. Act.

3. As per the prosecution case, this petitioner alongwith other accused persons cultivated opium crops in 140 *katha* and 5 *katha* land respectively.

4. It is submitted on behalf of petitioner that the land, on which cultivation of opium is alleged to have performed, is not belonging to petitioner. As a matter of fact petitioner is landless and only on suspicion, he has been made accused. Some of the similarly situated co-accused persons have already been granted bail by a coordinate Bench this Court, vide order dated 08.09.2023 passed in Cr.Misc. No. 44030 of 2023 and



Cr.Misc. No. 50317 of 2023. Petitioner has got clean antecedent.

5. Learned counsel for the State and Union of India have opposed the prayer for anticipatory bail.

6. Considering the fact that there is no material on record to suggest that any land of the petitioner is engaged in cultivation of opium crops and the land, on which opium was cultivated, belongs to this petitioner coupled with the fact that petitioner has got clean antecedent and some of the similarly situated co-accused have already been granted anticipatory bail by this Court, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS)-cum-1st Additional District & Sessions Judge, Aurangabad (Bihar) in connection with Dhhibra P.S. Case No. 09 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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