

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44030 of 2023

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

1. SAROJ BHOKTA @ SAROJ BHOGTA SON OF NARAYAN SINGH BHOKTA RESIDENT OF VILLAGE -CHHUCHHIYA, PS- DHHIBRA, DISTT- AURANGABAD
2. SHIV KUMAR BHOKTA SON OF LATE LAKSHMAN BHOKTA RESIDENT OF VILLAGE -CHHUCHHIYA, PS- DHHIBRA, DISTT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50317 of 2023

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

TETAR BHOKTA SON OF RAMPATI BHOGTA RESIDENT OF VILLAGE
- CHUCHIYA, P.O. - SINGHANA, P.S. - DHHIBRA, DISTRICT -
AURANGABAD

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. UNION OF INDIA THROUGH NARCOTICS CONTROL BUREAU,
GOVT. OF INDIA NEW DELHI

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44030 of 2023)

For the Petitioner/s : Mr. Anil Kumar Sinha

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

(In CRIMINAL MISCELLANEOUS No. 50317 of 2023)

For the Petitioner/s : Mr. Dipak Kumar

For the Opposite Party/s : Mr. Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 08-09-2023 Heard learned counsel for the petitioners as well as
the learned APP for the State.



2. The petitioners apprehend their arrest in connection with Dhibra P.S. Case No. 09 of 2023, registered for the offences punishable under Sections 8(b)/ 15(b)/ 18(b), 20(b), 11(C) of the N.D.P.S. Act, 1985.

3. As per allegation, the petitioners and other accused persons had cultivated Opium crops in 140 *Katha* and 5 *Katha* land respectively.

4. Learned counsel for the petitioners has submitted that they are the persons of clean antecedent and there is allegation against them that they cultivated Opium crop on the land, mentioned in the FIR. He has submitted further that the land on which the cultivation is alleged to have performed, is not belonging to them and there is no material during investigation saying that the land was belonging to them.

5. On the other hand, learned counsel for Union of India and learned counsel for the state have opposed the anticipatory bail of the petitioners and submitted that petitioners were found cultivating Opium crop on huge chunk of the land as mentioned above.

6. There is nothing on record which shows that the land where Opium crop was cultivated was belonging to the petitioners. They are the persons of clean antecedent.



7. Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (N.D.P.S.)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Dhhibra P.S. Case No. 09 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

Sudha/-

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

