

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48892 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- BARACHATTI District- Gaya

1. DASHRATH YADAV S/o Late Tula Yadav Resident of Village- Shankhwa, P.S.- Barachatty, District- Gaya.
2. Mitan Singh @ Dhaneshwar Singh S/o Jagdeo Singh Resident of Village- Shankhwa, P.S.- Barachatty, District- Gaya.
3. Umesh Yadav @ Umesh Kumar Yadav S/o Jagdeo Singh Resident of Village- Shankhwa, P.S.- Barachatty, District- Gaya.
4. Pankaj Singh @ Pankaj Kumar S/o Rooplal Singh Resident of Village- Shankhwa, P.S.- Barachatty, District- Gaya.
5. Umar Singh @ Umar Singh Bhogta S/o Late Jaggu Singh Resident of Village- Shankhwa, P.S.- Barachatty, District- Gaya.
6. Buddhan Singh S/o Jagdeo Singh Resident of Village- Shankhwa, P.S.- Barachatty, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-09-2023 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence under Section 8(b)/18/29 of N.D.P.S. Act.

3. As per the prosecution case, petitioners are alleged to be indulged in illegal cultivation of opium (Afim) plants over the forest land measuring total 20.83 acres out of which 14.66 acres is forest land whereas 6.17 is non-forest land.



4. It is submitted on behalf of petitioners that these petitioners have been made accused in this case only on suspicion. He further submitted that the land over which Opium (Afim) were allegedly cultivated does not belong to the petitioners. They have no concern with the alleged cultivation.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail and submitted that the petitioner Nos.3, 4, 5, 6, have got criminal antecedent of similar nature.

6. Considering the aforesaid facts and circumstances, the bail petition as against petitioner Nos.3, 4, 5, 6, is rejected and so far as bail petition of petitioner Nos. 1 and 2 are concerned, in the event of arrest/surrender within a period of six weeks from today, let the petitioner Nos.1 and 2, above named, be enlarged 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 Sessions Judge-cum-Special Judge, NDPS Act, Gaya, in connection with Barachatty P.S. Case No. 198 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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