

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49000 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- BARACHATTI District- Gaya

1. Rooplal Singh Bhogta Son of Jaggi Singh Bhogta Resident of village - Shankhwa, P.S.- Barachatty, District - Gaya.
2. Umar Singh @ Umar Singh Bhogta Son of Late Jaggu Singh Resident of village - Shankhwa, P.S.- Barachatty, District - Gaya.
3. Pankaj Singh @ Pankaj Kumar Son of Rooplal Singh Bhogta Resident of village - Shankhwa, P.S.- Barachatty, District - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51239 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- BARACHATTI District- Gaya

Moti Yadav Son Of Shree Sadhu Yadav R/O Village- Sankhawa, P.S.- Barachatti, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49000 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Yogendra Kumar

(In CRIMINAL MISCELLANEOUS No. 51239 of 2022)

For the Petitioner/s : Mr.Kunwar Narayan Jamuar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-01-2023 Heard Mr. Sanjay Singh in Cr. Misc. No. 49000 of 2022 and Mr. Kunwar Narayan Jamuar in Cr. Misc. No. 51239 of 2022.

The petitioners are apprehending arrest in connection



with Barachatty P.S. Case No. 46 of 2022 instituted under sections 8(b)/18/29 of N.D.P.S. Act.

As per the prosecution story, the Range Officer, Kadal Forest Range submitted written complaint stating that he along with other forest officials visited Bhalua Chapi near Sankhwa Forest (protected forest) and found illegal cultivation of opium (Afim) plants over 17.33 acres. The same were destroyed and name of the accused persons cropped up as the persons behind the said cultivation of opium.

Learned counsel for the petitioners submit that only because they are residents of the said place, they are being implicated in one after another case. He however, concedes that so far as the petitioner nos. 2 and 3 in Cr. Misc. No. 49000 of 2022 are concerned, they do have criminal antecedents of the same nature. The same is with the petitioner in Cr. Misc. No. 51239 of 2022. Thus in the aforesaid background, the prayer for anticipatory bail is hereby rejected.

So far as the petitioner no.1 in Cr. Misc. No. 49000 of 2022 namely Rooplal Singh Bhogta is concerned, in view of the fact that he is aged person of 65 years, do not have any criminal antecedent and is ready to cooperate in the investigation, this Court is inclined to grant him relief.



Let the petitioner no.1 Rooplal Singh Bhogta be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya in connection with Barachatty P.S. Case No. 46 of 2022 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The other accused persons in the two petitions in view of their surrender within a period of four weeks from today, the court concerned shall take up the matter and dispose of the bail application at an earliest on the basis of documents and averment made therein without being prejudiced by any of the observation made herein.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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