

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56415 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- BAUNSI District- Araria

1. Shiv Narayan Mandal Son of Late Maneshwar Mandal @ Mangeshwar Mandal Resident of Village-Bousi (Biswas Tola), Ward No. 3, Police Station-Bausi, District-Araria.
2. Indranand Mandal @ Indo Mandal Son of Late Maneshwar Mandal @ Mangeshwar Mandal Resident of Village-Bousi (Biswas Tola), Ward No. 3, Police Station-Bausi, District-Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Makardhwaj Upadhyay, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 30-08-2023 1. Heard the learned counsel for the
petitioners and learned APP for the State.

2. This is an application for grant of anticipatory bail in connection with Special Case No.14/2023 (arising out of Bousi P.S. Case No.30 of 2023), registered for offences under Sections 15/18 of the NDPS Act.

3. The allegation is regarding the informant along with other police personnel having



conducted a raid at the field in question, whereupon it was found that poppy plants had been planted in the said field, and upon enquiry, it transpired that cultivation of poppy plants was being carried out by the accused persons, including the petitioners herein.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted, by referring to paragraphs no.7 to 9 of the present petition, that the field in question does not belong to the petitioners. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 22.08.2023, passed in Cr. Misc. No.48330 of 2023.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioners herein with that of the co-accused persons, who have already been granted anticipatory bail by a co-ordinate Bench of this Court, apart from the fact that it is the averment of the petitioners in the present petition that the field in question, where poppy plants have been found to have been planted, does not belong to the petitioners, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge,



Araria in connection with Special Case No.14/2023
(arising out of Bousi P.S. Case No.30 of 2023),
subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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