

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53256 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- BARACHATTI District- Gaya

Mulchand Singh Bhokta@Mulchand Singh Bhogata S/O Baldev Singh Bhokta @ Baldev Singh Bhogata Resident Of Village- Bighi Tola Manfar, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 17.05.2023 in connection with Barachatti P.S. Case No. 94 of 2022, F.I.R. dated 07.02.2022 registered for the offence punishable under Sections 8(b),18,29 of N.D.P.S.Act.

3. Prosecution case, in brief, as per written report of the informant Chotey Lal Paswan, Anchal Adhikari, Barachatti, is that on 29.01.2022, he alongwith NCB Patna Forest Department, Officer and other officials reached at village Bidhi Tola Manafar within P.S.-Barachatti and destroyed the crop of opium over the land belongs to Indradeo Singh Bhokta and Balchand Singh Bhogta including other land and thereafter a



seizure list was prepared of green opium by Bhupendra Narayan Singh, Revenue Karamchari and the informant also signed over the seizure list.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is brother of co-accused person and brother co-accused person had died before filing of the present FIR and the land in question does not belong to the petitioner and land in question belonged to the brother of the petitioner and merely on the basis of suspicion, the petitioner has been implicated in the present case and the petitioner is not the owner of the land in question, as mentioned in the FIR, and the petitioner has no concern at all with the alleged recovery and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.05.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, let the petitioner, above named, be released 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 Session Judge-cum-Special



Judge, N.D.P.S.Act, Gaya in connection with Barachatti P.S.

Case No. 94 of 2022, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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