

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53371 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- BARACHATTI District- Gaya

NANKU SINGH S/O LATE HULASH SINGH Resident of Village- Doath,
P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Advocate
	:	Mr.Sudhir Kumar Sinha, Advocate
	:	Mr. Kumar Rajdeep , Advocate
For the Opposite Party/s :	:	Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-04-2023 Learned counsel for the petitioner is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 25.06.2022 in connection with Barachatti P.S.Case No.93 of 2022, F.I.R. dated 07.02.2022 registered for the offence punishable under Sections 8(b), 18,29 of the N.D.P.S. Act.

Prosecution case, in short, is that there was illegal cultivation of opium plants, which were found from the land of the petitioner. The opium plants were destroyed.

Learned counsel appearing for the petitioner submits



that the petitioner has clean antecedent and he has falsely been implicated in the present case mainly on the basis that the petitioner is landlord of the land in question from which the plants of opium were recovered. Learned counsel for the petitioner submits that the petitioner has no concern at all with the alleged recovery of the opium plants from his lands. Further submits that there is non-compliance of Sections 42 and 50 of the N.D.P.S. Act and even the prosecution has not stated anywhere that whether the opium is in commercial quantity or less than the commercial quantity. Further submits that the similarly situated co-accused person, namely, Baldeo Singh Bhokta has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 16.12.2022 passed in Cr. Misc. No.52618 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 25.06.2022.

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

Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges, if not framed**, on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Sessions Judge-cum-Special Judge (N.D.P.S. Act), Gaya in connection with Barachatti P.S. Case No.93 of 2022, with the following conditions:-

(1) 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.

(2) 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.

(3) 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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