

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53273 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- BARACHATTI District- Gaya

1. Birendra Singh Bhokta @ Birendra Singh Bhogta Son of Ishwar Singh Bhokta R/V- Bighi, P.S- Barachatti, Dist- Gaya
2. Rajulal Keshri Son of Late Sita Ram Sao R/V- Sewai, P.S- Barachatti, Dist- 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. A.G.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

3 15-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with Barachatti P. S. Case No. 66 of 2022 registered for the offences punishable under Sections 8(b), 18 and 29 of the Narcotic Drugs And Psychotropic Substances Act.

As per the prosecution case, the petitioners along with the co-accused persons were alleged to have engaged in cultivation of opium on the land of forest measuring 7.60 acres and private land measuring 3.46 acres.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Nothing



has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the land in question. The name of the petitioners has been dragged in this case on mere suspicion. The petitioners are ready to give undertaking that they will fully co-operate in the trial till its conclusion. Learned counsel further submits that no case is made out against the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioners.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, Gaya in connection with Barachatti P. S. Case No. 66 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Further conditions are as follows:-

1. The petitioners are directed to remain physically present before the learned Court



below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bonds.

2. If the petitioners are found involved in similar nature of offence, the prosecution will be at liberty to move for cancellation of the bail bonds of the petitioners.

The application stands allowed.

(Chandra Prakash Singh, J)

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