

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55141 of 2023

Arising Out of PS. Case No.-40 Year-2022 Thana- BHADHWAR District- Gaya

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KASHI PRASAD S/O RAMDEV MAHATO R/O VILLAGE- NAVIGARH,
P.S- BHADWAR, DISTT.- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Veer , Advocate

For the Opposite Party/s : Mr. Choubey Jawahar , Addl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 8(b), 18 and 29 of the N .
D. P . S of the Indian Penal Code.

3. On a secret information, informant along with other
officials visited Nabigarh P.S. and found illegal cultivation of
opium on 61.6 acres of forest land and 0.5 acres on non-forest
land and came to know that accused persons, including this
petitioner, were involved in cultivation of illegal opium.

4. It is submitted that from bare perusal of FIR it is
apparent that cultivation of opium was found on forest land and
a very insignificant cultivation was found on private land. It is
further submitted that it appears that the forest officials in



connivance were indulging in cultivation of opium and when it came to the knowledge of the superior authorities, the present false case was lodged. FIR does not disclose the source based on which the informant came to know about the involvement of the petitioner in the alleged occurrence . Similarly situated co-accused persons have already granted bail by this Court vide order dated 01.08.2023 in Cr. Misc. No. 33059 of 2023 . Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-Cum-Spl. Judge (N . D. P .S.) Gaya in connection with Bhadwar P.S. case no. 40 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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