

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58892 of 2022

Arising Out of PS. Case No.-378 Year-2022 Thana- BARACHATTI District- Gaya

1. Rajesh Kumar @ Rajesh Kumar Bhokta S/O Dhaneshwar Singh R/O Village- Shankhwa, P.S.- Barachatti, District- Gaya
2. Bhola Singh @ Bhuvneshwar Bhokta S/O Buddhan Singh Bhokta R/O Village- Shankhwa, P.S.- Barachatti, District- Gaya
3. Vijay Singh Bhokta @ Vijay Kumar S/O Jitan Singh Bhokta R/O Village- Shankhwa, P.S.- Barachatti, District- Gaya
4. Gopal Singh Bhokta @ Gopal Kumar S/O Ritu Singh R/O Village- Shankhwa, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 18, 20, 22 of the NDPS Act.

Petitioners are said to have involved in illegal trading of contraband.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that the petitioners were neither arrested on the spot nor anything has been recovered from their conscious possession and they are no way concerned with the alleged recovery of contraband. He submits that the name of the petitioners transpired on the confessional statement of co-



accused Vinod Kumar who was apprehended at the spot. He submits that the poppy flower is used after its purification as posta dana used in preparation of vegetables. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that there is recovery of 263 kg poppy flower which is commercial quantity and attracts Section 37 of the NDPS Act.

Considering the nature of offence, I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Barachatti P.S. Case No. 378 of 2022.

However, if the petitioners surrender before the learned court below within a period of six weeks from today and pray for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact no any contraband article has been recovered from the possession of the petitioners.

(Anjani Kumar Sharan, J)

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