

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58290 of 2022

Arising Out of PS. Case No.-257 Year-2022 Thana- NAWADA District- Nawada

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SURESH MAHTO @ SURESH PRASAD Son of Late Baijnath Mahto @
Badhnath Mahto Resident of Village - Devenpura, P.S.- Nawada (Kadirganj
O.P.), District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhas Ranjan,Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Nawada Nagar/Town (Kadirganj O.P.) Police Station Case
No. 257 of 2022 for the offence registered under Sections 8(b)
(c)/20(a)(b) of the Narcotic Drugs and Psychotropic Substance
Act.

As per the prosecution story, upon information that
some persons are cultivating ‘*Opium*’ for business purposes, the
official reached the field of Ishwari Mahto, Mahesh Mahto, Shiv
Nandan Mahto and Suresh Mahto and recovered/seized 34 kg of
plants with fruits from Ishwari Mahto land, 28 kg from Mahesh
Mahto, 22kg from Shiv Nandan Mahto and 21 kg from this



petitioner. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that although the allegation in the FIR is that the recovery of 21 kgs is from his land, a categorical statement has been made in supplementary affidavit that the land on which the plants have been recovered/seized does not belong to him and further only because of confession of Ishwari Mahto, another accused, he has been implicated.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail that as per the allegation, the recovery is from his land.

Considering the kind of allegation that has come against the petitioner, he do not have criminal antecedent, it has been categorically stated by him in supplementary affidavit that the land in question does not belong to him, the FIR has been lodged and ultimately will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge,



Nawada in connection with Nawada Nagar/Town (Kadirganj O.P.) P.S. Case No. 257 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall co-operate in the investigation



and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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