

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72327 of 2023

Arising Out of PS. Case No.-17 Year-2022 Thana- DHANGAI District- Gaya

1. Omraj Singh @ Umraj Singh @UMRAJ Singh Bhokta S/O Sitaram Singh Bhokta R/O Village- Kumbhi, P.S- Dhangai, Distt.- Gaya.
2. Kail Singh @ Shivraj Singh Bhokta S/O Sitaram Singh Bhokta R/O Village- Kumbhi, P.S- Dhangai, Distt.- Gaya.
3. Bhuneshar Singh S/O Khiru Singh R/O Village- Kumbhi, P.S- Dhangai, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Nikhil, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 8(b), 18 and 29 of the NDPS Act pending in the learned court below.

3. As per the prosecution case, petitioners are said to have engaged in illegal cultivation of opium.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that the FIR does not even mention the name of the owners of any of the private lands upon which the alleged raid was conducted. He submits that there is no contraband article recovered from the conscious possession of the petitioner. He further submits that similarly situated other co-accused person



has already been granted bail by a Co-ordinate Bench of this Court vide order dated 12.12.2022 passed in Cr. Misc. No. 41335 of 2022. He submits that seizure list was not prepared according to Section 100 of the Cr.P.C. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submitted that the allegation levelled as the petitioners is serious in nature. Hence, they do not deserve anticipatory bail.

6. Considering the nature of the offence, I am not inclined to enlarge the petitioners on bail in connection with Dhangai P.S. Case No. 17 of 2022. Accordingly, their prayer for anticipatory bail is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order considering this fact that no contraband article has been recovered from the conscious possession of the petitioner.

(Anjani Kumar Sharan, J)

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