

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64763 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- DHANGAI District- Gaya

1. BINOD YADAV @ VINOD PRASAD Son of Tej Narayan Yadav Resident of Village - Sewai, P.S.- Barachatti, District - Gaya
2. Shankar Yadav @ Shankar Kumar Son of Raushan Yadav Resident of Village - Sewai, P.S.- Barachatti, District - Gaya
3. Raju Manjhi Son of Rameshar Manjhi Resident of village - Sewai, P.S.- Barachatti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66525 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- DHANGAI District- Gaya

1. ASHOK YADAV SON OF KARU YADAV R/O VILL.- JAHJAWA TOLA, SEWAI, P.S.- BARACHATTI,DISTT.- GAYA
2. ISHWARI YADAV SON OF DASHRATH YADAV R/O VILL.- JAHJAWA TOLA, SEWAI, P.S.- BARACHATTI,DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

ec... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64763 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

(In CRIMINAL MISCELLANEOUS No. 66525 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-01-2023 Since both these applications are cropped of from the same P.S. Case no.15/2022 and with the consent of the parties these are heard together and disposed off by this common order.

Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case



registered for the offence punishable under Sections 8(b), 18, 29 of the NDPS Act pending in the learned court below.

Allegation against the petitioners is that they have cultivated opium (afim) plants over the forest land.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that the said land is five kilometers far from the house of the petitioners. He submits that no compliance of Section 100 of Cr.P.C. is made from the seizure list. He submits that there is no recovery made from the conscious possession of the petitioners. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

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.

Considering the nature of the offence, I am not inclined to enlarge the petitioners on bail in connection with Dhangai P.S. Case No. 15/2022. Accordingly, their prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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