

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63948 of 2022**

Arising Out of PS. Case No.-133 Year-2019 Thana- BARACHATTI District- Gaya

Bijay Yadav Son of Bijan Yadav Resident of Village- Dhnama, P.S.-
Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 11-04-2023 Heard both parties.

The petitioner apprehends his arrest in Barachatti P.S.
Case No. 133 of 2019, registered for the offences punishable
under Sections 8, 15, 18(C), 25, 20 and 22 of the Narcotic Drugs
and Psychotropic Substances Act.

As per the prosecution case, all the accused persons
including petitioner were involved in illegal cultivation of
Opium.

It is submitted on behalf of petitioner that petitioner is
nowhere involved and merely on suspicion he has been accused
in this case. FIR does not disclose the description of land over
which Opium has been found cultivated and petitioner has got
no concern with the alleged Opium or the field over which the
Opium was cultivated. Similarly situated co-accused Ishwar



Singh Bhokta has been granted bail by a coordinate Bench of this court vide order dated 07.12.2021 passed in Cr. Misc. No. 13461 of 2020 vide Annexure-2.

However, counsel for informant vehemently opposed the prayer for bail and submitted that huge quantity of Opium was found cultivated on the government land and petitioner has got one criminal antecedent. The case of petitioner is not similarly situated as that of the co-accused who has been granted bail.

Considering the facts aforesaid and criminal antecedent, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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