

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65139 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- BARACHATTI District- Gaya

1. Bhuneshwar Singh Son of Govind Singh Resident of village - Gularbed, P.S.- Barachatti, District - Gaya
2. Ranjit Manjhi @ Ranjeet Kumar Son of Shyam Sundar Bhuyan Resident of village - Gularbed, P.S.- Barachatti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-04-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Barachatti P.S. Case No. 145/2022 for the offence under Section 8(b), 18 and 29 of N.D.P.S. Act pending in the Court of Session Judge-cum-Special Judge, N.D.P.S. Act, Gaya lodged on 20.02.2022 by the informant namely Dhanlal Giri.

The prosecution story, in brief, is that the Range Officer, Kadal Forest alleged that upon visiting the village 'Gularbed' found illegal cultivation of opium (Afim) plants over forest land as also some government land and private land. The plants were destroyed and then got information that it is the accused petitioner who was engaged in illegal cultivation.



In the backdrop of the fact that some of the persons upon seeing the informant side started fleeing away. Accordingly, the F.I.R.

Learned counsel for the petitioners submit that a bare perusal of the F.I.R. would show that the forest land, government land and private land have been recorded where opium was planted but the description of private land is missing. Further, it is habit of the villagers to leave the place the moment they sought the police party or the government officials and that cannot be a factor to rope him as accused alleging that they were the cultivators. It has lastly been submitted that one of the co-accused namely Raj Kumar Yadav has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 42239 of 2022 on 12.12.2022.

Let the same be kept on record.

Learned APP opposes the prayer for bail but concedes that the details of the private land is not there.

Considering the aforesaid fact that the petitioners have been named only on the basis of suspicion and none of the plants of opium recovered/seized or destroyed belongs to the petitioners herein and they do not have criminal antecedent, this Court is inclined to grant them the privilege of bail in the



backdrop of the fact that similar placed co-accused as stated above have also been granted the privilege of the bail, this will be subject of verification of criminal antecedent of both the petitioners.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of Session Judge-cum-Special Judge, N.D.P.S. Act, Gaya , in connection with Barachatti P.S. Case No. 145 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Kiran-

U		T	
---	--	---	--

