

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71058 of 2023

Arising Out of PS. Case No.-64 Year-2015 Thana- BARACHATTI District- Gaya

Jitendra Singh Bhokta, Son Of Gothu Singh Bhokta, Resident Of Village-
Kawalia Shonaya, Ps- Barachatti, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Barachatti P.S. Case No. 64 of 2015 registered on 17.02.2015 for the alleged offences under Sections 18, 20 and 22 of the N.D.P.S. Act.

3. As per prosecution case, petitioner was illegally doing cultivation of poppy plants on 15 kathas of encroached land along with other FIR named accused who were involved in the said cultivation on different plots of land. Seizure of 2 Kgs of poppy seeds was made from different plots which was extracted as sample.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner never encroached upon the forest land and never planted poppy plant. If any recovery has been shown, it is from the forest land for which petitioner could not be made liable. Nothing incriminating has been recovered from the conscious possession of the petitioner. Petitioner is a labourer and used to reside in Madras in connection with his livelihood. Similarly placed co-accused person Swaroop Singh Bhokta has been granted bail by a Co-ordinate Bench of this Court vide order dated 04.10.2017 passed in Cr. Misc. No. 46952 of 2017. The petitioner is in custody since 06.08.2023 and he is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons were involved in cultivation of poppy plants.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offence as alleged and further considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Spl. Judge, NDPS Act,



Gaya/concerned court in connection with Barachatti P.S. Case No. 64 of 2015, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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