

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1328 of 2023

Arising Out of PS. Case No.-657 Year-2018 Thana- BARACHATTI District- Gaya

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RUPLAL SINGH @ RUPLAL SINGH BHOKTA S/o Motha Singh R/o Village- Dowath, P.S.- Barachatti, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-04-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Barachatti P.S. Case No.657 of 2018 dated 05.10.2018 registered for the offences punishable under Sections 8, 21, 15 and 18 of the NDPS Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner and co-accused persons have been dragged in the alleged crime mainly on the basis of suspicion, the petitioner had no concern with the alleged cultivation of opium plants and admittedly the land on which the alleged contraband was being cultivated does not belong to the petitioner and the allegation levelled in the FIR regarding cultivation of opium plants is completely vague as there is no detail of the description of land as well as number of plants



in the FIR and the petitioner has fair and clean antecedent and has been languishing in jail since 02.09.2022.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent and also the facts that the allegation levelled in the FIR regarding the land on which the opium plants were being cultivated by the accused persons is vague and there is no detail of the said plants as well as recovery thereof after destruction and in this regard the allegations levelled in the FIR are also completely vague, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Barachatti P.S. Case No.657 of 2018.

(Shailendra Singh, J)

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