

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71694 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- BARACHATTI District- Gaya

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SHAMBHU BHUIYAN S/O SRI JAGESHWAR BHUIYAN Resident of
village- Somiya, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 8(b), 18, 29 of the
NDPS Act.

As per the prosecution case, all the FIR named
accused persons, including this petitioner, were cultivating
opium plants over the forest land.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. It is further submitted that the land in question over which
opium plants were cultivated does not belong to this petitioner.
Khata or Khesra No. of land is not given over which opium
plants were found. There is no evidence on record to suggest the
complicity of this petitioner in the aforesaid crime. Petitioner



has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, NDPS Act, Gaya in connection with Barachatty PS case No. 52/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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