

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74110 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- DHANGAI District- Gaya

KOMAL PRASAD @ KOMAL MAHTO Son of Kashi Mahto R/o Vill.-
Dhanawan, P.S.- Barachatti, Jaigir, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kr. Sinha

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with
Dhangai P.S. Case No.14 of 2022, registered for the offences
punishable under Sections 8(b), 18 and 29 of the NDPS Act.

The prosecution case, in brief, is that on 12.02.2022, as
per direction of the superior officer, the informant alongwith other
forest officials, police force, Anchal staff of Barachatti, SSB force
and staff of Narcotics Department visited near village Barsudi and
found illegal cultivation of opium plants over the forest land,
government land and private land measuring total 23.21 acres, out
of which , 15.39 acres was forest land, 0.88 acre was private land
and 6.94 acres was government land. The opium plants were
destroyed and the informant came to know that the petitioner was
engaged in illegal cultivation of opium.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that the name of the petitioner transpired in the case on the basis of secret information.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioner by submitting that the petitioner is engaged in illegal cultivation of opium.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the petitioner is hereby rejected.

However, if petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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