

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73671 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- BARACHATTI District- Gaya

1. ROOPLAL SINGH BHOKTA @ RUPLAL SINGH BHOGATA S/O KOYALI SINGH BHOGATA Resident of village- Bighi, P.S.- Barachatti, District- Gaya.
2. RAM JATAN SINGH BHOKTA S/O VISHAMBHAR SINGH BHOKTA Resident of village- Bighi, P.S.- Barachatti, District- Gaya.
3. JAGNARAYAN SINGH BHOKTA S/O GOVARDHAN SINGH BHOGTA Resident of village- Bighi, P.S.- Barachatti, District- Gaya.
4. KAULESHWAR YADAV S/O MUKHLAL YADAV Resident of village- Bighi, 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. Madhuri Lata, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under sections 8(b), 18, 29, N.D.P.S Act.

As per the prosecution case, on the direction of superior officer, a raid was conducted and found illegal cultivation of opium (Afim) plants over the forest land measuring 7.60 acres and private land measuring 3.46 acres. The opium plants were destroyed and informant came to know that the accused persons including these petitioners were



engaged in cultivation of opium.

It is submitted that petitioners have falsely been implicated in this case merely on suspicions due to village politics. As per the F.I.R, the place of occurrence situated at Tola-Manfar near Bighi Village but the petitioner no.-1 to 3 residence are 2^{1/2} km far away from the occurrence and petitioner no.-4 residing at Sewai village about 4 km far away from the place of occurrence and the land over which, opium was allegedly cultivated does not belong to the petitioners. It is further submitted that there is no eye witness who have supported the prosecution case except police personnel and Government staffs. Nothing has been recovered from the possession of the petitioners. Similarly situated co-accused persons have already granted bail by this Court vide order dated 16.03.2023 in Cr. Misc. No. 41064 of 2022. Petitioners claim clean antecedent.

Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Session Judge-Cum-Special Judge,



N.D.P.S. act., Gaya in connection with Barachatti P.S. Case No.
66 of 2022, subject to the conditions laid down under section
438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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