

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47123 of 2024

Arising Out of PS. Case No.-137 Year-2024 Thana- BAKHTIYARPUR District- Patna

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Arun Mahto @ Pramod Kumar (Male), aged about 55 years, Son of Shiv Nandan Mahto @ Sheonandan Prasad, Resident of Jagdishpur, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-08-2024 Heard Mr. Kaushal Kishor, learned counsel appearing on behalf of the petitioner and Mr. Ahmad Ali, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bakhtiyarpur P.S. Case No. 137 of 2024, registered for the offence punishable under Sections 8(B), 8(C), 18, 29 and 46 of the N.D.P.S. Act.

3. As per the allegation made in the FIR, illegal cultivation of opium plant (*Afeem*), which is prohibited, was found on the land bearing *Khata* No. 64, *Khesra* No. 121 measuring 1.75 *kathha*, which belongs to the petitioner and on several other plots relating to other persons.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He further submitted that



the land bearing *Khata* No. 64, *Khesra* No. 121 measuring 1.75 *kathha*, which belongs to the petitioner, was given to one *Chhotu Kumar @ Tengra* as *Batedar* by the father of the petitioner and petitioner has no concerned with the illegally cultivated opium plant (*Afeem*). Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, I am not inclined to enlarge the petitioner on pre-arrest bail. However, the petitioner, if so advised, may surrender before the learned District Court and file regular bail application.

7. The learned District Court is directed to dispose of the regular bail application filed by the petitioner same day, in accordance with law.

8. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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