

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50077 of 2024

Arising Out of PS. Case No.-199 Year-2024 Thana- BARACHATTI District- Gaya

-
1. Suresh Singh Bhokta @ Suresh Singh Bhogta @ Suresh Singh S/o Latal Singh Bhokta @ Jageshwar Singh @ Jageshwar Singh Bhokta R/o vill - Somiya Kewaliya, P.S. -Barachatti, Distt. - Gaya
 2. Subhash Singh Bhokta @ Subhash Singh S/o Banondhi Singh Bhokta @ Banaundhi Singh Bhogta R/o vill - Somiya Kewaliya, P.S. -Barachatti, Distt. - Gaya
 3. Mahadeo Singh Bhokta @ Mahadeo Singh S/o Latal Singh Bhokta @ Jageshwar Singh @ Jageshwar Singh Bhokta R/o vill - Somiya Kewaliya, P.S. -Barachatti, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Narcotic Commissioner, New Delhi New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh
For the State : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 28-08-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Barachatti Police Station Case No. 199 of 2024, dated 04.04.2024, disclosing offences under Sections 8(b)/18/29 of the Narcotic Drugs and Psychotropic Substance Act.
3. As per the First Information Report, the prosecution party constituted a team and started destroying the cultivation of opium plants at Somiya Kewaliya and Dowat area near



the bank of Mohana river. The opium was being cultivated on four plots upon the land of protected forest area. It has further been alleged that the cultivation of opium was destroyed by JCB and tractor and some of the opium plants were kept by the police as material exhibit. Upon enquiry it has come to the knowledge of the police party that petitioners and others were involved in the cultivation of opium upon the land of protected forest area.

4. Learned counsel for the petitioners submits that prosecution party destroyed cultivation of opium on 10.02.2024, whereas, the instant First Information Report has been lodged on 04.04.2024 i.e. after delay of two months. He next submits that the petitioners are not the owners of the land and no contraband material has been recovered from the possession of the petitioners. He further submits the petitioners never visited the place of occurrence and the case has been lodged against them on the basis of secret information received by the police.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the seriousness of the offence and the fact that name of the petitioners



came to light after enquiry by the police, for which, custodial interrogation of the petitioners may be necessary, I am not inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

