

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50203 of 2024

Arising Out of PS. Case No.-63 Year-2012 Thana- BARACHATTI District- Gaya

- 1. Rajesh Singh Son Of Lalamuni Singh @ Lalmani Singh Resident Of Village - Basu Kurha, P.S. - Mohanpur, District - Gaya
- 2. Chintawan Deshwari @ Chitavan Singh Son Of Late Dhalo Deshwari @ Late Kuleshwar Singh Resident Of Village - Basu Kurha, P.S. - Mohanpur, District - Gaya

... .. Petitioners

Versus

- 1. The State of Bihar
- 2. The Union Of India Through The Narcotic Commissioner, New Delhi New Delhi

... .. Opposite Parties

with
CRIMINAL MISCELLANEOUS No. 58226 of 2024

Arising Out of PS. Case No.-63 Year-2012 Thana- BARACHATTI District- Gaya

- 1. Dukharan Bhuiya @ Dukhaharan Bhuiyan @ Dukharan Manjhi Son of Late Mahavir Bhuiyan @ Late Mahavir Manjhi Resident of Village - Basu Kurha, P.S.- Mohanpur, District - Gaya.
- 2. Munna Mandal @ Munna Bhuiya @ Muna Mandal Son of Dukharan Bhuiya @ Dukhaharan Bhuiyan @ Dukharan Manjhi Resident of Village - Basu Kurha, P.S.- Mohanpur, District - Gaya.

... .. Petitioners

Versus

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

... .. Opposite Parties

Appearance :
(In CRIMINAL MISCELLANEOUS No. 50203 of 2024)
For the Petitioners : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party : Mr. Rina Sinha, ASG
(In CRIMINAL MISCELLANEOUS No. 58226 of 2024)
For the Petitioners : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rina Sinha, ASG
For the U.O.I : Mr. Bindhyachal Rai, Sr. Panel Counsel

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR



ORAL ORDER

3 17-12-2024 The Petitioner, Rajesh Singh has been arrested.
Hence, the petition on behalf of Rajesh Kumar has become
infructuous.

2. Heard Ld. counsel for the petitioners and Ld. APP
for the State.

3. The present petition has been filed on behalf of the
petitioners, apprehending their arrest, in connection with
Barachatti P.S. Case No. 63 of 2012 dated 16.02.2012,
registered for the offences punishable under Sections 15 and 18
of the Narcotic Drugs and Psychotropic Substance Act.

4. As per allegation, the accused persons were
involved in cultivation of opium in forest land.

5. Ld. counsel for the petitioners submit that the
Petitioners are innocent and have falsely been implicated in this
case only on the basis of suspicion. He further submits that the
land does not belong to the Petitioners nor anybody has seen
them doing cultivation of opium.

6. It is also stated in paragraph no. 2 of the bail
petition that the petitioners have not moved this Court earlier
either for anticipatory bail or regular one in the instant case.

7. It has further been stated in paragraph no.3 of the
petition that the petitioners in Cr. Misc. No. 50203 have no



criminal antecedents whereas the Petitioners in Cr. Misc. No. 58226 have been made accused in one other case each in which they are on bail.

8. Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Sessions Judge-cum-Special Judge, N.D.P.S., Act, Gaya, in connection with Barachatti P.S. Case No. 63 of 2012, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.



(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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