

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30099 of 2025

Arising Out of PS. Case No.-9 Year-2024 Thana- ROSHANGANJ District- Gaya

Dev Kumar Bhokta @ Dev Kumar S/o Ram Lakhan Singh Bhokta R/o
Village- Manjhinyava, P.S.- Bankebazar, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-05-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Roushanganj P.S. Case No. 09 of 2024, date 13/01/2024, disclosing offences under Sections 8, 18 and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.
3. As per the prosecution case, the prosecution party constituted a team for destruction of opium plants. On 19.12.2023 the team reached at village Manjhinyawa thana Bainke Bazar and found that illegal cultivation of opium in 0.5 acres of land. It has further been alleged that the cultivation of opium was destroyed by tractor and some of the opium plants were kept by the police as material exhibit. Upon enquiry from the local villagers, it has come to the knowledge of the police party



that the petitioner and others were involved in the illegal cultivation of opium upon the land of protected forest area.

4. Learned counsel for the petitioner submits that prosecution party destroyed cultivation of opium on 19.12.2023, whereas, the instant First Information Report has been lodged on 13.01.2024 i.e. after delay of 25 days. He next submits that the petitioner is not the owners of the land and no contraband material has been recovered from the possession of the petitioner. He further submits the petitioner never visited the place of occurrence and the petitioner has falsely been implicated in the present case due to village politics and the name of the petitioner has transpired on the basis of disclosure made by local villagers. The petitioner has got no criminal antecedent.
5. Having regard to the submissions made on behalf of the parties and taking into consideration gravity of offence and the fact that name of the petitioner came to light after enquiry made by the police, for which, custodial interrogation of the petitioner may be necessary, I am not inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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