

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52623 of 2024

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

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1. Pramod Mondal @ Pramod Mandal @ Pramod Bhuiyan @ Pramod Manjhi S/O Kesho Mandal @ Kesho Bhuiyan R/O Village- Basu Kurha, P.S- Mohanpur, Distt.- Gaya.
 2. Karu Manjhi @ Karu Bhuiyan S/O Late Pato Manjhi @ Late Pati Bhuiyan R/O Village- Basu Kurha, P.S- Mohanpur, Distt.- Gaya.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Arvind Kumar Singh, Advocate.
For the State	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 10-01-2025 Heard learned counsel for the petitioners and learned 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. Learned counsel for the petitioners submit that the Petitioners are innocent and have falsely been implicated in this



case. He further submits that the land does not belong to the Petitioners nor anybody has seen them doing cultivation of opium. He also submits that similarly situated co-accused persons have been enlarged on anticipatory bail by this Court vide order dated 17.12.2024 passed in Cr. Misc. 50203 of 2024 along with Cr. Misc. 58226 of 2024.

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 have no criminal antecedents.

8. Learned APP for the State vehemently opposes the prayer of the Petitioners 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 learned 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, learned 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, learned court below shall cancel the bail bonds of the petitioners

(Jitendra Kumar, J)

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