

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53613 of 2024

Arising Out of PS. Case No.-199 Year-2022 Thana- BARACHATTI District- Gaya

Lakhan Singh Bhokta @ Lakhan Singh Son of Late Bhagwani Singh @ Late
Bhawani Singh R/V- BARKI CHAPI, P.S.- BARACHATTI, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Arjun Prasad, Advocate.
For the State : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 10-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Barachatti P.S. Case No.-199 of 2022 dated 05.03.2022 registered for the offences punishable under Sections 8(b), 18 and 29 of the NDPS Act, 1985.

3. As per the FIR the petitioner is alleged to have cultivated opium on forest and non-forest land.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the case is based on only on suspicion. He also submits that the land on which the opium has been allegedly cultivated belongs to the state. Moreover, no



specific details of the land over which the opium has been allegedly cultivated, has not been given. He also submits that similarly situated co-accused persons have been enlarged on anticipatory bail by this Court vide order dated 26.10.2024 passed in Cr. Misc. 46349 of 2024.

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

6. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, this petition is allowed, directing the petitioner above-named, to be enlarged on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya, in connection with Barachatti P.S. Case No. 199 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.PC and on



the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his 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 petitioner.

(Jitendra Kumar, J)

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