

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89760 of 2024

Arising Out of PS. Case No.-28 Year-2019 Thana- ROSHANGANJ District- Gaya

1. Vart Bhokta @ Vrat Bhokta @ Varat Bhokta S/o- Gogal Singh Bhokta @ Gogal Singh Village- Delho Ps- Bankebazaar Dist- Gaya
2. Rajdev Bhuiyan @ Rajdeo Singh Bhokta @ Rajdeo Singh @ Rajdev Singh S/o- Late Kallu BVhuiyan @ Baan Singh Bhokta Village- Delho Ps- Bankebazaar Dist- Gaya
3. Kapil Singh Bhokta S/o- Bishundeo Singh Bhokta @ Bishnudev Singh Bhokta Village- Delho Ps- Bankebazaar Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 27-08-2025 Heard learned counsel appearing on behalf of the parties.

2. The petitioners seeks bail in connection with Roshanganj (Bankebazaar) P.S. Case No. 28 of 2019 registered for the offence under Sections 15 and 18 of the NDPS Act.

3. The petitioners are named in the F.I.R. and they are in custody since 01.09.2024.

4. The allegation against the petitioners is to cultivate opium in their respective land i.e., 4 *katha* of land of petitioner no. 1 and 2 and 5 *katha* of petitioner no. 3.

5. Learned counsel appearing on behalf of the



petitioners submitted that merely on the basis of suspicion as informant came to know from certain co-villagers that land where Opium was found grown belong to petitioners, the present false implication was raised against petitioners. It is submitted that no revenue record regarding alleged plot was verified that land in issue belongs to these petitioners and, therefore, save and except suspicion nothing survive against petitioners. Arguing further, the surprising aspect of this case was highlighted by the learned counsel for the petitioners that even after 5 years of lodging this case, seized contraband was not sent for forensic examination, as it is apparent from the letter no. 1431 dated 13.03.2025 as issued from the office of SSP, Gaya. It is pointed out that in want of any forensic report regarding alleged seized plant, whether it is Opium or not, the rigors Section of 37 of the NDPS Act cannot be import with present case. The quantity also not appeared specified. While concluding the argument, it is submitted that petitioners no. 1 and 2 are men of clean antecedent and petitioner no. 3 found involved in two case of Excise Act where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted (without FSL), as such, there



is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as seized sample of tree, which *prima-facie* alleged as “Opium”, not appears to sent for forensic examinations even after 5 years of the occurrence as discussed aforesaid, coupled with fact that investigation already completed and as all three petitioners remains in custody since 01.09.2024, accordingly all above-named three petitioners, are directed to be released on bail in connection with Roshanganj (Bankebazaar) P.S. Case No. 28 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of learned Sessions Judge cum Special Judge, NDPS Act, Gaya /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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