

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5782 of 2026

Arising Out of PS. Case No.-8 Year-2025 Thana- DHANGAI District- Gaya

1. Basudev Singh Son of Kiwal Singh Resident of Village- Lath Bela, P.S.- Dhangai, District- Gaya Ji.
2. Raj Kumar Singh Son of Dhanuk Singh Resident of Village- Lath Bela, P.S.- Dhangai, District- Gaya Ji.
3. Khelawan Singh @ Lal Mohan Singh Son of Jagdish Singh. Resident of Village- Lath Bela, P.S.- Dhangai, District- Gaya Ji.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 06-04-2026 Heard Mr. Sudhir Kumar Sinha, learned counsel
appearing on behalf of the petitioners and Mr. Ram Bilash Roy
Raman, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection
with Dhangai P.S. Case No. 8 of 2025 registered under Sections
8, 15, 18(C), 25 of the NDPS Act.

3. As per the allegation made in the FIR, the
informant along with other police personnel reached village
Kumbhi for destruction of opium plants allegedly cultivated on
forest land, and upon inquiry, certain villagers disclosed the
names of the accused persons, including the petitioners, as being



involved in such cultivation.

4. Learned counsel appearing on behalf of petitioners submitted that the petitioners are innocent and they have falsely been implicated in the present case. The petitioners have no concern with the alleged occurrence and they reside at a distance of about 2 km from village Kumbhi, where the alleged cultivation took place. The petitioners have been implicated without any proper enquiry. There is no specific allegation that the petitioners had cultivated opium plants on their own land so as to attract the provisions of Sections 8, 15, 18(c) and 35 of the NDPS Act. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegations made in the FIR and the materials available on record, and considering the absence of any specific allegation that the petitioners had cultivated opium plants on their own land so as to attract the Sections of 8, 15, 18(c) and 35 of the NDPS Act, along with the fact that the petitioners reside away from the place of occurrence and appear to have been implicated without proper



enquiry, I am of the opinion that the petitioners have, *prima facie*, made out a case to be enlarged on pre-arrest bail.

7. The learned District Court is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Dhangai P.S. Case No. 8 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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