

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45150 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- BHADHWAR District- Gaya

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1. Vijay Singh (Aged about- 39 Years, Male) S/o Maheshwar Singh @ Maheshar Singh
 2. Bajrangi Singh (aged about 68 Years, Male) S/o Manijar Singh
Both Resident of Village- Ratnaag, P.S.- Naudiha Bazar, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Singh, Advocate
For the UOI	:	Mrs. Ranjana Sinha, Advocate
For the State	:	Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 21-01-2026 Heard Mr. Mr. Arvind Kumar Singh, learned counsel appearing on behalf of the petitioners; Mrs. Ranjana Sinha, learned counsel for the Union of India and Mrs. Renu Kumari, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bhadwar P.S. Case No. 11 of 2025, registered for the offence punishable under Sections 8(B) and 18 of the N.D.P.S. Act.

3. As per the allegation made in the FIR, petitioners along with other co-accused persons, were allegedly involved in



cultivation of opium on the protected forest land. The raiding team had destroyed 8.81 acres of illegal cultivation of opium over different plots. A sample of opium plant was recovered and seizure list was prepared accordingly.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. The alleged place of occurrence, where the opium plant were cultivated, is in the forest area. The informant is a police officer and he has not named any forest officials, after being informed that the opium plants were being cultivated in the forest area, as it appears from the FIR. He further submitted that other similarly situated co-accused persons have already been released on bail by a co-ordinate Bench of this Court vide order dated 09.07.2025 passed in Criminal Miscellaneous No. 39819 of 2025 and order dated 26.11.2025 passed in Criminal Miscellaneous No. 46778 of 2025. No material has been collected against the petitioners. Petitioners have clean antecedent. On these grounds, 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. Considering the rival submissions made on behalf



of the parties, as well as, the fact that alleged place of occurrence, where the opium plant were cultivated, is in the forest area. No recovery has been made from the house of the petitioner and the petitioner has been made accused in the present case on the basis of suspicion, the law is well settled in this regard that a strong suspicion, howsoever, cannot take the place of proof and for suspicion and under-trial cannot be kept behind the bar, even after completion of investigation. Similarly situated co-accused persons have already been released on bail by a co-ordinate Bench of this Court vide order dated 09.07.2025 passed in Criminal Miscellaneous No. 39819 of 2025 and order dated 26.11.2025 passed in Criminal Miscellaneous No. 46778 of 2025. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Bhadwar P.S.



Case No. 11 of 2025, subject to the condition as laid down under
Section 482(2) of the BNSS.

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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