

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48310 of 2026

Arising Out of PS. Case No.-28 Year-2026 Thana- PARWALPUR District- Nalanda

Virendra Prasad @ Virendra Mahto, Son of Hari Mahto @ Bardhu Mahto,
Resident of Village- Astupur, P.S.- Parwalpur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Shah, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2026 Heard Mr. Gautam Shah, learned Advocate for the
petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Parwalpur P.S. Case No. 28 of 2026 registered for the offences punishable under Sections 8, 17, 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The police acting on a tip-off regarding illegal cultivation of the opium crop, conducted raid and found that some of the persons, including the petitioner, are engaged in illegal cultivation. The police subsequently destroyed all the crops under proper Videography and thereupon the present F.I.R. has been instituted against the petitioner, being the owner of the one of the plot used for illicit cultivation.

4. Learned Advocate for the petitioner submitted that



surprisingly on a secret information, the police conducted raid, but no seizure list has been prepared, which suggest that any poppy crop was found at the place of occurrence. It is further contended that the land, in question, the particulars of which has been duly mentioned in the F.I.R., has been given on *Bataidari* to other farmers and the petitioner was not knowing this fact that at any point of time any farmer is engaged in illegal cultivation of opium. The non-seizure of any plant or poppy seeds clearly smacks *mala fide* on the part of the police. The petitioner has absolutely fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was found engaged in illegal cultivation of opium.

6. Regard being had to the submissions made on behalf of the learned Advocate for the respective parties and considering the fact that no seizure memo has been prepared, besides the submission of the petitioner that the land was being cultivated by other farmers on *Bataidari* as well as fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this



order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Nalanda at Bihar Sharif in connection with Parwalpur P.S. Case No. 28 of 2026, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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