

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76292 of 2024

Arising Out of PS. Case No.-25 Year-2016 Thana- BARACHATTI District- Gaya

Gumani Bhokta Son of Late Faudari Bhokta Resident of Village- Naktaiya,
P.S.- Barachatti, District - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 08-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Barachatti P.S. Case No. 25 of 2016 registered for the offences punishable under Sections 18, 20, 22 of the N.D.P.S. Act.

3. The allegation against the petitioner is to cultivate the plant of opium alongwith 20 named accused persons.

4. Learned counsel appearing on behalf of the petitioner submitted that admittedly the plant which was destroyed by the police team was not matured and without flower of opium. It is submitted that no seizure list was prepared. It is submitted that merely on the basis of suspicion the present false implication was made against the petitioner, who is a land-less person. It is



pointed out that the land in issue was not connected to the petitioner and moreover, allegation raised in the FIR for cultivation of opium plant is very much general and omnibus.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as admittedly seizure list was not prepared by police *qua* allegation supporting the cultivation of opium, coupled with the fact that petitioner appears man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Gaya/concerned court in connection with Barachatti P.S. Case No. 25 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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