

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87034 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- DHANGAI District- Gaya

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1. Vijay Saw @ Vijay Prasad @ Vijay Kumar @ Vijay Kumar Keshri @ Vijay Prasad Keshri Son of Lakhan Saw
 2. Naresh Manjhi S/o- Jagdish Manjhi.
 3. Sanjay Bhuiya @ Sanjay Manjhi @ Sanjay Mandal S/o- Ramdeo Manjhi @ Botha Manjhi @ Bhotha Manjhi.
- All are resident of Village - Chordaha, P.S.- Dhangai, District - Gayaji.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Umesh Lal Verma, APP
For the UOI/NCB	:	Mr. Arvind Kumar, CGC
		Mr. Awdhesh Kr. Pandey, Sr. CGC

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-01-2026 Heard Mr. Arvind Kumar Singh, learned counsel appearing on behalf of the petitioners; Mr. Umesh Lal Verma learned APP for the State and Mr. Awdhesh Kr. Pandey along with Mr. Arvind Kumar, learned counsel for the UOI.

2. The petitioners seek pre-arrest bail in connection with Dhangai P.S. Case No. 23 of 2025 registered for the offence(s) punishable under Sections 8,15,18C,25 of the Narcotic Drugs And Psychotropic Substances Act.

3. As per the allegation made in the FIR, a team was



constituted for the destruction of cultivated opium plant in Chordaha reserved forest land and accordingly 5.36 acres of illegal cultivation of opium were destroyed over different plots. A sample of opium plant was recovered and seizure list was prepared accordingly. It is further alleged that accused/petitioners along with other co-accused persons, who belong to another place, were suspected to be engaged in illegal cultivation of opium.

4. Learned counsel appearing on behalf of the petitioners submits that the alleged place of occurrence, where the opium plant were cultivated, is in the forest area. The petitioners are the simple farmers of their villages and they have no concern at all with the said forest land or premises or any cultivation of opium plant in the said area. The forest area is heavily guarded by the forest officers, but since the illegal cultivation of poppy came to the knowledge of general-public, the petitioners were made accused merely on the basis of suspicion in the present case by the informant. The informant is a Forest Range Officer and he has not named any forest officials, after being informed that the poppy plants were being cultivated in the forest area, as it appears from the FIR. No material has been collected against the petitioners. Petitioners



have clean antecedents. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the Union of India and learned APP for the State have vehemently opposed the prayer for grant of pre-arrest bail, however, he admits that the forest officials has not been named in the FIR.

6. Considering the rival submissions made on behalf of the parties, as well as, the allegations made in the FIR, I find that suspicion has been raised against the petitioners' involvement in the alleged offence of cultivation of poppy plants in the forest area. No recovery has been made from the house of the petitioners and the petitioners have been made accused in the present case on the basis of suspicion, the law in this regard is well settled as in case of ***Raghunatha & Anr. v/s State of Karnataka, 2024 INSC 238***, wherein the Apex Court held 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. I am of the opinion that petitioners, who are having clean antecedents, 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) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Spl. Judge, N.D.P.S. Act, Gayaji / Concerned Court in connection with Dhangai P.S. Case No. 23 of 2025, subject to the conditions 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 and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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