

Court of Additional Sessions Judge Ist, Gaya
N.D.P.S. Case No. 10012/2008

05.04.2021 Bail petition dated 01.04.2021 has been filed on behalf of petitioner Sudama Mahton arising out of Excise Case No. 25/2008 who is in custody since 13.03.2021 u/s 8(b), 15, 18 of N.D.P.S. Act.

It has been submitted on behalf of the petitioner that no regular and anticipatory bail of the petitioner has been filed in this court since earlier and nor in the Hon'ble High Court, Patna. The petitioner is innocent, he has committed no offence and he has falsely been implicated in this case. Conducting lawyer of the petitioner has no aware about the criminal antecedent of the petitioner.

Learned Special P.P. opposed the bail.

As per prosecution report, the prosecution case in brief is that on secret information, on 17.02.2008 at about 11:00 A.M. to 03:00 P.M., informant alongwith armed forces raided the field of the accused petitioner. Seeing the raiding Party, the accused petitioner fled away. The raiding Party recovered 3870 opium plants and seized and the process of extracting liquid was going on from the fruits of opium plants. Seizure list was prepared in presence of witnesses.

Having heard the learned counsel for the petitioner as well as the learned Addl. P.P. for the State and perusal of case diary, it transpires that he is named in prosecution report. Allegation against the accused petitioner is that he was indulged in the cultivation of opium and the raiding party recovered opium plants from his field from which process of extracting liquid was going on.

Thus, in view of the above discussed facts and circumstances of the case and nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail. Hence, his prayer for bail is rejected.

(Dictated)

Sd/-

Additional Sessions Judge Ist, Gaya