

Court of Addl. Sessions Judge-Ist, Gaya

N.D.P.S. Case No. 05/2022

Later on

14.06.2022 Bail petition dated 06.04.2022 of petitioner Kamlesh Yadav and bail petition dated 11.04.2022 of petitioner Chalitar Singh are being disposed of by this common order as both arise out of the same Police Station case i.e. Barachatti P.S. Case No. 73/2022.

Bail petition dated 06.04.2022 filed on behalf of petitioner Kamlesh Yadav and bail petition dated 11.04.2022 filed on behalf of petitioner Chalitar Singh who are in custody since 23.02.2022 in the aforesaid P.S. Case u/s 8(b), 18, 29 of N.D.P.S. Act has been pressed by their learned counsels.

Heard Ld. Counsels appearing on behalf of accused/petitioners and Ld. Special P.P. of N.D.P.S. Act.

The prosecution case, in brief, is that informant submitted a written report before the S.H.O., Barachatti P.S. stating therein that on 30.01.2022, as per the direction of the senior officers of the Department, the opium cultivation planted in the forest land and private land near village Bumer and Ambatari was destroyed. The allegations are that accused/petitioners are cultivating opium illegally. They were warned earlier also. They allegedly cultivating forcefully. The seized opium were destroyed as per law. Thus, the informant prayed for action.

The Ld. Counsel appearing on behalf of accused/petitioner Kamlesh Yadav and Chalitar Singh submitted that no bail either regular or anticipatory has ever been filed to this court or any higher court. It is further submitted that the petitioners are innocent, committed no offence and has been falsely implicated in this case. It is further submitted that there is no criminal antecedent. It is further submitted that the petitioners have not been caught on the spot and nothing recovered from his conscious possession. Lastly, he submitted that the petitioners are languishing in judicial custody since 23.02.2022. so they may be released on bail.

Per Contra the Ld. Special P.P. vehemently opposed the prayer for bail.

Heard both sides and perused the case record. From perusal of the case record, it appears that the accused/petitioners are in custody since 23.02.2022. Allegation against these accused/petitioners are of illegal cultivation of opium on forest land 2.08 Acres alongwith private land 2.32 Acres. The charge-sheet in this case has been filed. As per case diary, accused/petitioners are named in F.I.R. As per witnesses, they saw accused/petitioners

cultivating opium on alleged land. The offence committed by the accused/petitioners is serious in nature and it is placed at par with the offence of trading in opium.

Considering the object and N.D.P.S. and facts and circumstances and the fact that the accused/petitioners kept vast area under cultivation of opium, I am not inclined to enlarge the petitioners on bail. Hence, both bail petitions of the petitioners are hereby rejected.

(Dictated)

Sd/-

Addl. Sessions Judge-Ist, Gaya