

IN THE COURT OF SESSIONS JUDGE, GAYA
Barachatti P. S. Case No. 27/2019
I.A. No. 01/2022
Satyendra Manjhi Vrs. State of Bihar

19-04-2022

Present :

For the petitioner : Sri Rajnish Kumar Singh, Advocate

For the State : Sri Shahdulla Farooquie, Special Public Prosecutor

The present petition for regular bail has been filed on behalf of the accused/petitioner Satyendra Manjhi who is in custody since 11.02.2022 in connection with Barachatti P. S. Case No. 27/2019 for the offences punishable U/ss 8/15/18, 20 (A) of N.D. P. S. Act.

It is also stated in para 2 of the bail petition that no anticipatory or regular bail petition has been previously filed by the petitioner either before this Court or higher Court.

Prosecution case, in brief, as per written report of the informant S.I. Vinay Krishna Prasad of Barachatti police station is that on 20.01.2019, as per direction of senior police officer, he along with other police officials including Circle Officer proceeded for destruction of cultivation of opium (Afim) and cannabis (Ganja) plants and when they reached village Piparahi, got information that the accused persons including the petitioner were engaged in illegal cultivation of opium (Afim) and cannabis (Ganja) plants. The police party found opium and cannabis (Ganja) plants grown over different pieces of land which were destroyed keeping sample thereof which was seized and seizure list was prepared accordingly in presence of witnesses.

Heard Ld. counsel for the petitioner and the Ld. Special P. P. for the State.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that no Khata or plot number of the land, over which the cultivation of opium and cannabis plants were found is mentioned. It is also submitted that similarly situated co-

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accused Srawan Singh has been granted regular by Hon'ble High Court on 06.02.2020 in Cr. Misc. No. 67537/2019.

Learned counsel further submits that accused/petitioner has also one criminal antecedent by way of Barachatti P. S. Case No. 111/2016 for the offences punishable U/ss 15/18 of N.D.P.S. Act in which, he is on bail.

Learned Special P. P. for the State vehemently opposes the prayer of the petitioner for bail submitting that the allegation against the petitioner is serious in nature. He also submits that the allegation is supported by material in the case diary. He further points out that Khata No. and Plot No. of the land belonging to the petitioner is also given in the case diary. As per Para-62 of the case diary, land bearing Khata No. 37 and 33 and Plot No. 111 and 116 having corresponding area of 1.5 Decimal and 0.03 Decimal belong to the petitioner. It is also submitted by the Ld. Special P.P. that the case of the petitioner is different from that of the co-accused Sarwan Singh, who has been granted bail by Hon'ble Court. Hon'ble Court was pleased to grant regular bail to said Sarwan Singh in view of the fact that he had no criminal antecedent and he was in custody for more than 11 months but in case of the present petitioner, he has one criminal antecedent of similar offence punishable under N.D.P.S. Act and he is in custody only for about 02 months.

Considering the aforesaid facts and circumstances of the case, serious nature of the alleged offence and ill effect of contraband on society at large, I am not persuaded to enlarge the petitioner on bail. Accordingly, his prayer for bail is rejected.

(Dictated and corrected)

Sd/-

(Jitendra Kumar)
Sessions Judge, Gaya
19.04.2022