

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45196 of 2021

Arising Out of PS. Case No.-67 Year-2017 Thana- BARACHATTI District- Gaya

Munna Yadav, Son of Gaya Yadav, Resident of Village- Somiya, Police Station- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Kuamr, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

6 04-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Aryan Singh, learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Barachatti P.S. Case No. 67 of 2017 (N.D.P.S. Case No. 46 of 2018) registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act 2016 and Sections 18/20/22 of the N.D.P.S. Act.

As per the prosecution case, it is alleged that five name accused persons including the petitioner are said to have cultivated the opium crops on the Government land, which were



destroyed by the police.

It is submitted by the learned counsel appearing on behalf of the petitioner that the land on which the opium plants were planted does not belong to the petitioner and only because of the fact that he is having cultivating land, adjacent to the Government land, in question, his name has been implicated in this case. It is next submitted that the petitioner has neither any concern with the place of occurrence nor with the plant standing on the Government land. It is also submitted that nothing has been recovered from the person or possession of this petitioner or there is no any incriminating material, which suggests the complicity of the petitioner in the present case. It is lastly submitted that all the other co-accused persons, named in the F.I.R., have already been granted bail by different coordinate Benches of the this Court and so far this petitioner is concerned since he was residing in other cities, therefore, he was not even aware of the present case. It is lastly submitted that this petitioner is in custody since 24.01.2021 having fair antecedent and furthermore the investigation of the crime is already completed.

Learned APP appearing on behalf of the State vehemently opposes the bail application and submits that the



petitioner was found involved in cultivating opium plant and further he remained absconded for about four years, due to which the trial of the present case has also hampered.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the land on which the opium plant was being cultivated belongs to Government land and this petitioner has no concern with the said land nor any incriminating material has been recovered from the person or possession of this petitioner, which suggests the complicity of the petitioner and moreover the other co-accused persons, having similar allegations, have already been granted bail by different co-ordinate Benches of this Court and the petitioner is in custody since 24.01.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gaya in connection with Barachatti P.S. Case No. 67 of 2017 (N.D.P.S. Case No. 46 of 2018), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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