

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42239 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- BARACHATTI District- Gaya

RAJ KUMAR YADAV Son of Dasrath Yadav Resident of Village- Sewai,
P.s.- Bara Chatti, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 8(b), 18 and 29 of the N.D.P.S. Act.

The informant alleges that Opium was found cultivated on forest land and on inquiry from villagers, it transpired that accused persons including the petitioner were engaged in Opium cultivation.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case with a view to save the real culprit, it is also submitted that the FIR does not even remotely discloses that as to who disclosed the name of the petitioner to



the informant that he was indulging in cultivation of Opium when the FIR does not even remotely suggest that the person who disclosed the name of the petitioner wanted his name to remain a secret, it is next submitted that it becomes easy to implicate persons in such manner, when admittedly the cultivation of Opium is on government land, as such, it can be easily alleged that it was the informant along with the officials who were indulging in such illegal activity.

Learned counsel next submits that petitioner will not evade the law and will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case for arriving at the truth, it is also submitted that at the cost of repetition that petitioner is a person with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bara Chatti P.S. Case No. 145 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not making himself available as and when called, the learned Trial Court, after giving an opportunity of hearing to the petitioner, shall pass orders in accordance with law and shall also have the liberty to cancel his bail bonds.

The learned Trial Court is directed to send a copy of this order to the concerned P.S.

(Satyavrat Verma, J)

HarshPandey/-

U		T	
---	--	---	--

