

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8595 of 2023

Arising Out of PS. Case No.-116 Year-2019 Thana- BARACHATTI District- Gaya

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Pappu Yadav @ Pappu Kumar @ Pappu Kr. Yadav, Son of Nandu Yadav R/V-
Dhanawa, P.S- Barachatti, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Barachatti P. S. Case No. 116 of 2019, registered for the

offences punishable under Sections 8, 5, 18(c) and 25 of the

Narcotic Drugs and Psychotropic Substances Act, 1985.

As per allegation, the accused persons including

the petitioner, were indulged in the illegal cultivation of

opium on a piece of land.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that as per the allegation, the



petitioner was not found cultivating the opium crops on the land and only on account of suspicion, his name has transpired in the F.I.R. Moreover, the land does not belong to the petitioner nor any description of the land under cultivation has been given by the Police. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the whole case is based only on suspicion. He also submits that other co-accused persons have been granted bail by a co-ordinate Bench of this Court *vide* order dated 05.12.2019, passed in Cr. Misc. No. 63754 of 2019.

He further submits that the petitioner has been languishing in jail since 21.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Incharge Sessions Judge, Gaya, in connection with Barachatti P. S. Case No. 116 of 2019, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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