

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12354 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- BARACHATTI District- Gaya

SANDEEP YADAV @ LOHA YADAV @ LOHA SINGH S/O KHUTAN
YADAV @ KAMU YADAV @ BHUTAN YADAV R/v- Barwadih, P.S.-
Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2023 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 NDPS Act.

The informant alleges that opium was found cultivated over 16.62 acres of land out of which 7.70 acres of land belongs to the forest and 8.92 acres of land is private land, it is next alleged that the informant through the villagers came to know that accused persons including the petitioner were involved in the cultivation of opium.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely



implicated in the present case, it is next submitted that petitioner is a student and in support of the same the learned counsel for the petitioner relies on Annexure-2 to the anticipatory bail application which is provisional certificate of the petitioner showing that he passed in Master of Arts in Political Science with first class. The learned counsel next submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to be implicated merely based on disclosure made by the villager but then the name of the villager did not disclose, it is also submitted that opium was found over a piece of land which belongs to the forest, as such, it appears that the officials of the forest in connivance with criminals were indulging in the occurrence and when it came to the notice of the superior officials then the present false case came to be instituted. It is further submitted that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the investigating officer of the case for eliciting the truth.

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 Barachatti P.S. Case No. 148 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 presenting himself when called for the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

GauravSinha/-

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