

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18416 of 2023**

Arising Out of PS. Case No.-54 Year-2023 Thana- BARACHATTI District- Gaya

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1. KARU YADAV SON OF VASSHUDEV YADAV RESIDENT OF VILLAGE - KAHUDAG, P.S. - BARACHATTI, DISTT. - GAYA
  2. BIRENDRA KUMAR SON OF GANESH YADAV RESIDENT OF VILLAGE - KAHUDAG, P.S. - BARACHATTI, DISTT. - GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.N.K.Agrawal, Sr. Adv.  
Mr.Sudhir Kumar Sinha, Adv.  
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      26-06-2023      Heard both sides.

Petitioners apprehend their arrest in connection with Barachatti P.S. Case No.54 of 2023, registered for the offence punishable u/s 8(b), 18, 29 of the N.D.P.S. Act, 1985.

Allegedly, opium plants were grown in 39.4 Acre forest land and when police reached the spot, the F.I.R. named accused persons including the petitioners are said to have fled away.

It is submitted by learned senior counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not



specific rather general and omnibus in nature. No incriminating article has been recovered from the conscious physical possession of the petitioners. It is submitted that the said recovery of contraband plant has been made from the forest land, which does not belongs to the petitioners. He has one criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

This application is accordingly dismissed.

However, petitioners are at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

**(Anjani Kumar Sharan, J)**

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