

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20001 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- BARACHATTI District- Gaya

PINTU YADAV @ PINTU KUMAR son of Krishna Yadav Village-
Khajurain Ps- Barachatti Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-08-2023 Heard the parties.

The petitioner is an accused in connection with Barachatti P.S. Case No. 122 of 2022 registered for the offences under sections 8(b), 18 and 29 of the N.D.P.S. Act lodged on 15.02.2022 by the informant, Dhanlal Giri.

As per the prosecution story, the Forest Range Officer alleged that while moving alongwith staffs of Narcotics Department reached the village in question and found cultivation of ‘*opium*’ over forest land measuring 23.48 acres. It was destroyed and from villagers, the name of accused persons cropped in, the FIR.



It is the case of the petitioner that when the forest officials themselves say that the land belongs to them, it is surprising that in such a large area, 23.48 acres, they claim that there was illegal cultivation of 'opium' and for which they should be held accountable.

Further, only on the claim made that the villagers informed about the involvement of these accused persons, FIR against them. The last submission is that one of the similar placed co-accused, Md. Serajuddin @ Serajuddin Mian @ Charku Mian has since been granted anticipatory bail by a co-ordinate bench in Cr. Misc. No. 59671 of 2022 on 17.05.2023.

Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that the names have come on the information of the villagers.

Taking into account the fact that the land belongs to forest area, it should be duty of the Forest Department to take care of it, on the information of the villagers, the petitioner has been named, remained in custody since 28.01.2023 (as stated in paragraph 15 of the bail application) and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge (N.D.P.S. Act), Gaya in connection with Barachatti P.S. Case No. 122 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Neha/-

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

