

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21753 of 2023

Arising Out of PS. Case No.-38 Year-2022 Thana- BHADHWAR District- Gaya

Ganesh Yadav S/O Briksh Yadav @ Ramvriksh Yadav R/O Village- Kishun
Chak, P.S- Bhadwar, Distt.- Gaya.

... .. Petitioner

Versus

1. The State of Bihar
 2. The Union of India through the Narcotic Commissioner, New Delhi
- Opposite Parties

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Bhadwar P.S. Case No. 38 of 2022 registered for the offences punishable under Sections 8(B), 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act (in short 'NDPS Act'). He has got no criminal antecedent.

As per the prosecution story, on 20.12.2021 the informant got direction to destroy illegal opium plants, thereafter the informant along with other Forest officials reached at village Gansa and destroyed the cultivation of opium plants. It is alleged that this petitioner was seen roaming around the said cultivation.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. It is submitted that on mere suspicion that the petitioner was roaming around the said place, the present FIR has been lodged. The petitioner has got no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the submissions that the only allegation against the petitioner is that he was seen moving around the field where by order of the Senior Officers of the Forest Department, the farming of Afim was destroyed by the Forest Personnel, further submission that on mere suspicion that they were seen moving around the said place only the present FIR has been lodged making the petitioner an accused and the petitioner has otherwise no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Spl. Judge, NDPS Act, Gaya in connection with Bhadwar P.S. Case No. 38 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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