

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23198 of 2023**

Arising Out of PS. Case No.-226 Year-2022 Thana- BARACHATTI District- Gaya

NAGESHWAR YADAV SON OF DAHU YADAV RESIDENT OF
VILLAGE- JAIGIR, TOLA-TERBARA, PS- BARACHATTI, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

**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, 29 of the N.D.P.S. Act.

The informant alleges that he along with other officials visited village Naare and found illegal cultivation of Opium over 10.57 acres of land out of which 6.65 acres of land belong to the forest and 3.92 acres of land was private land, it is next alleged that, thereafter, the informant came to know that the accused persons including the petitioner were engaged in the cultivation of opium.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that he was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that from the FIR itself, it would manifest that opium was planted over 6.65 acres of forest land and it appears that the same was done in connivance with the forest officials and when the superior official came to know about the same, the present false case came to be instituted when petitioner, admittedly, is a person with clean antecedent, 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 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. 226 of 2022 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

However, it is made clear that 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 producing himself when called, the
learned Trial Court would be at liberty to cancel the bail bonds
of the petitioner after recording reasons.

(Satyavrat Verma, J)

HarshPandey/-

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