

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26348 of 2023

Arising Out of PS. Case No.-145 Year-2022 Thana- BARACHATTI District- Gaya

MUKHDEO YADAV S/O RAGHUNANDAN YADAV Resident of Village-
Sewai, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the petitioner and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Barachatti PS case no. 145 of 2022,
registered for the offences punishable under Sections 8(b), 18,
29 of N.D.P.S. Act.

The prosecution story, in brief, is that the Range
Officer, Kadal Forest is stated to have visited a village, namely
'Gularbed', where he found illegal crops of opium (afim) plants
over the forest land, government land and private land and then
the said plants were destroyed. It is further alleged that upon
inquiry, it transpires that the accused petitioner is also engaged
in illegal cultivation of afim.

The learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in the



present case. The learned counsel for the petitioner has further submitted that a bare perusal of the FIR would show that opium plants were planted on government/ forest land, however, the description of the land has not been given in the FIR. It is also submitted that as far as the petitioner is concerned, he is landless, as has been stated in paragraph no. 7 of the present petition, hence, there is no question of him having planted any opium plant. Lastly, it is submitted that similarly situated co-accused persons have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 11.04.2023, passed in Cr. Misc. no. 65139 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event



of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Gaya in connection with Barachatti PS case no. 145 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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