

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30779 of 2023

Arising Out of PS. Case No.-206 Year-2022 Thana- BARACHATTI District- Gaya

UPENDRA YADAV @ UPENDRA KUMAR Son of Chandar Yadav Resident
of Village - Somiya, P.S.- Barachatti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Advocate
		Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 8(b), 18 and 29 of the N.D.P.S. Act.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 05.03.2022, he along with forest officials visited Daang and Khaira Forest Range and found illegal cultivation of opium over 22.07 acres of forest land and 8.5 acres of non-forest land, further on secret information, it was revealed that the accused persons, including the petitioner, were involved in cultivation of opium.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that no doubt the allegation as alleged is serious in nature but then cultivation of opium was also found on forest land, it is further submitted that it were the forest officials who in connivance with accused persons were indulging in such illegal act and when the same came to the notice of the superior authority, the present false case came to be instituted. Learned counsel next submits that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth and proving his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 Court below 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 court below where the case is pending/successor court in connection with Barachatty



P.S. Case No. 206 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, 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 the Court is not cooperating in the investigation or is not appearing when required, the learned trial court shall forthwith cancel the bail bonds of the petitioner after recording reasons.

8. It is further made clear that in the event if charge-sheet is submitted connecting the petitioner with the offence then the present anticipatory bail order shall lose its effect.

9. Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

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