

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29532 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- BHADHWAR District- Gaya

Arjun Yadav Son Of Late Fagu Yadav Resident Of Village-Naiykadih
Bhadwar, Tola Kishunchak, PS- Bhadwar, Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Narcotics Commissioner, New Delhi New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bhadwar PS Case No. 39 of 2022 dated 26.12.2022, registered for the offence punishable under Sections 8(b), 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985

3. Some alleged illegal opium plantation has been destroyed by the staff of the Narcotic Department on 24.12.2022. The FIR has been lodged on 26.12.2022 implicating the petitioner, as he was found to be in the vicinity of the place where earlier opium was being grown.



4. It is submitted by the petitioner's counsel that from the allegations itself it is obvious that neither the petitioner was there at the time the alleged opium plantation was discovered and destroyed nor there is any recovery from the petitioner. His subsequent implication is only because he was near the place two days after the occurrence. He has no antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, their being no allegation of any recovery from the petitioner and his subsequent implication in the case as also clean antecedent, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya, in connection with Bhadwar PS Case No. 39 of 2022 dated 26.12.2022, subject to the conditions as laid down in Section



438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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