

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30837 of 2023

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

Kewal Singh @ Kewal Singh Bhokta @ Kewal Singh Bhogta Son Of Budhan
Singh Resident Of Village- Naare, Ps- Barachatti, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-07-2023 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 he along with other officials visited village Naare
and found illegal cultivation of opium over 6.65 acres of land
belonging to forest and 3.92 acres of private land, it is next
alleged that thereafter the informant came to know that the
accused persons, including the petitioner, were engaged in
illegal 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 he was not apprehended from the spot as such nothing was recovered from his conscious possession, it is also 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 officials came to know about the same, the present false case came to be instituted when petitioner, admittedly, is a person with clean antecedent. Learned counsel 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.

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 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.

7. 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)

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