

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47206 of 2023**

Arising Out of PS. Case No.-73 Year-2022 Thana- BARACHATTI District- Gaya

Dev Nandan Yadav S/O Late Ramdev Yadav R/O Village- Bumer, P.S.
Barachatti, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 25-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 12.05.2023, in connection with Barachatti P.S. Case No. 73 of 2022, F.I.R. dated 01.02.2022 registered for the offences punishable under Sections 8(b), 18, 29 of the N.D.P.S. Act.

3. Allegation against the petitioner is that he along with other co-accused person is of engaging in illegal cultivation of opium (*Afim*) plant from the forest land and private land.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not



committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it also appears that the informant has not given the details of the land owner nor he alleged that the private land belong to the petitioner but the informant mentioned in the F.I.R. that some land belong to the forest land and some land belonged to the private person but he has not disclosed the description of land which belonged to the petitioner. He further submits that co-accused persons against whom the similar allegation namely Chaitu Singh and Muneshwar Singh @ Bhuneshwar Singh has been granted bail by a Coordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 63216 of 2022, another co-accused person namely Nemdhari Singh @ Nemdhari Singh Bhokta has been granted bail by this Court vide order dated 11.07.2023 passed in Cr. Misc. No. 6488 of 2023 respectively. The petitioner is in custody since 12.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present crime in question and apart from the aforesaid, the petitioner carries one more case other than the present one but fairly submits on the basis of



paragraph-3 of the petition that the petitioner is on bail in pending case.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Sessions Judge cum Special Judge, Gaya in connection with Barachatti P.S. Case No. 73 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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