

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54408 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- DHANGAI District- Gaya

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1. BALRAM PASWAN S/O JANKI PASWAN @ GANESH PASWAN R/O VILLAGE- ETWAN, P.S- DHANGAI, DISTT.- GAYA.
 2. NIRANJAN YADAV @ NIRANJAN KUMAR S/O SURESH YADAV @ GANESH YADAV R/O VILLAGE- HAHESEADI, P.S- DHANGAI, DISTT.- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 20-12-2023 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Dhangai Police Station Case No. 30 of 2023, disclosing offences under Sections 8(b), 18, 29 of the N.D.P.S. Act.
3. As per the prosecution case, the destruction of opium plants was done on 12.02.2023 from the forest land as well as non-forest land with the help of the staffs of Narcotics Department and other police officials. The opium plants were being cultivated on over 19.10 acres of land out of which 8.10 acres was forest land and 11 acres



was non-forest land. It has further been alleged that while the forest guard had gone for patrolling, he found the petitioners and others loitering around the land, in question, from where, opium plants were destroyed and upon the inquiry, some villagers disclosed the name of the petitioners.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to oblique motive of the *chowkidar*. From perusal of the First Information Report, it appears that the opium plants were destroyed on 12.02.2023. It is not alleged that the opium plants were being cultivated on the forest as well as non-forest land by the petitioners. The petitioners are not the owner of the non-forest land. He, along with others, has been implicated without any cogent material after four days of destruction of the opium plants from the land.
5. Learned counsel for the State submits that it is not apparent from the F.I.R. as to on what date, the petitioners were seen moving around the land from where the opium plants were destructed.
6. Having regard to the submissions made on behalf of the



parties and taking into consideration the fact that no *prima facie* material has been brought against the petitioners to connect them with the present offence, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.
8. Let the petitioners, Balram Paswan and Niranjana Yadav @ Niranjana Kumar, in the event of their arrest or surrender before the Court below within four weeks, 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 learned Sessions Judge, cum special Judge, NDPS Act, Gaya, in connection with Dhangai Police Station Case No. 30 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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