

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56082 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- BHADHWAR District- Gaya

Mahadev Yadav Son Of Late Prayag Yadav Resident Of Village- Nabigarh,
PS- Bhadwar, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-08-2023 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. 09 of 2023, dated 23-02-2023, registered for the offence punishable under Sections 8(b),18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity 'NDPS Act').

3. As per allegation in the First Information Report (for brevity 'FIR') on 22-02-2023, as per direction of superior officer, the informant along with other forest officials went Navigarh and found illegal cultivation of opium plants over the forest land. Petitioner is alleged to be engaged in illegal cultivation of opium.



4. It is submitted by the petitioner's counsel that petitioner has been made accused only on suspicion. Petitioner has no concern with the illegal cultivation of opium plants and the land, over which the plants were allegedly cultivated, does not belong to the petitioner. The petitioner has no antecedent. Other co-accused persons of this case have been extended the privilege of anticipatory bail vide order dated 19-08-2023 passed in Cr. Misc. No. 41033 of 2023.

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

6. Considering the rival submissions, claim based on parity and clean antecedent of the petitioner, 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. 09 of 2023, dated



23-02-2023, 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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