

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59612 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- BARACHATTI District- Gaya

1. Hulas Singh @ Hulas Singh Bokta Son Of Late Badri Singh Resident Of Village Harnai, Ps- Barachatti, Dist- Gaya
2. Suresh Singh Son Of Late Pokhan Singh Resident Of Village Harnai, Ps- Barachatti, Dist- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2023 Heard the parties.

2. The petitioners are apprehending arrest in connection with Barachatti P.S. Case No. 198 of 2023 instituted under under Section 8(b)/18/29 of N.D.P.S. Act lodged on 18.2.2023 by the informant, Jitendra Kumar.

3. As per the prosecution story, the informant, Jitendra Kumar, Range Officer, Kadal Forest Range has given written information before the Officer Incharge of Barachatti Police Station on 14.3.2023 alleging that after getting direction from Superior Officer, destruction of Opium plants was done in village Piprahi, Harnai and Sisiatri over forest land and non forest land over 19.65 acres of land out of which 14.8 acres was



forest land and 4.85 was non forest land and it came to know that the accused petitioner and other co-accused were involved in the alleged cultivation of Opium Plants.

4. Learned counsel for the petitioners submit that on vague allegation that original forest land were used for growing Opium plants, they have been implicated in the case. Further submission is that they being illiterate labourers never came to know that their names have come in the FIR. Upon knowledge, they have diligently started taking recourse to the legal remedy and in the process has reached the Patna High Court. The last submission is that some of the co-accused have been granted the privilege of anticipatory bail in Cr. Misc. No. 65287 of 2019 vide an order dated 30.6.2020.

5. Learned APP opposes the prayer stating that the allegation against them is of growing opium plants in the forest land/non forest land.

6. Considering the submission put forward by the learned counsel for the petitioners, there is no detail of the area where the opium plants were being grown, it is unfortunate that the Forest Officers are not diligent enough to take care of their own land, some of the co-accused however have been granted anticipatory bail as reflects from Annexure-2, they do not have



criminal antecedents, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Barachatti P.S. Case No. 198 of 2023 to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Gaya, in Spl. A.B.P. No. 32 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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