

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59671 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- BARACHATTI District- Gaya

Md. Serajuddin @ Serajuddin Mian @ Charku Mian Son Of Mustaque
Ahmad R/O Mohalla- Gajragarh, Ward No.6, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Jubair Ansari, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 17-05-2023 Heard Mr. Jubair Ansari, learned counsel appearing
on behalf of the petitioner and Mr. Aditya Narayan Singh.1,
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Barachatti P.S. Case No. 122 of 2022 registered under
Sections 8(b), 18 and 29 of N.D.P.S. Act.

3. The prosecution story, in brief, is that informant,
who is the Forest Range Officer, Kadel Forest Range came to
know from the villagers that accused persons including the
petitioner engaged in illegal cultivation of opium over the forest
land measuring area 23.48 acres.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is not concerned with growing
of opium plant in the forest land. Learned counsel further



submits that forest officials must be responsible for such illegal activity under whose nose such illegal activity being continued for the several years. Learned counsel further submits that petitioner is innocent and he has falsely been implicated in the present case merely on suspicion.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that petitioner is habitual offender and several cases under NDPS Act has been registered against him.

6. Considering the fact that petitioner has made statement in Paragraph No. 3 of the bail application that four cases are pending against him in different section of NDPS Act and in present case allegation is that he has grown opium plant on 23.48 acres of government land, considering the fact that the State Authority as well as Forest Officials are responsible to ensure that no further illegal activity run on the land possessed by the State Government or by the Central Government. In above view of the matter, I am of the opinion that the petitioner has made out a, *prima facie*, case to be released on anticipatory bail.

7. The Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before



the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Court of Sessions Judge-cum-Special Judge, NDPS Act, Gaya in connection with Barachatti P.S. Case No. 122 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Let a copy of this order be placed before the Chief Secretary, Government of Bihar for his kind perusal and consideration to take appropriate action for stopping such illegal activity in the forest area on the land owned by the State Government or the State Government.

9. The present bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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