

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66965 of 2023**

Arising Out of PS. Case No.-52 Year-2012 Thana- BARACHATTI District- Gaya

Raj Kumar Yadav @ Yadav Ji, Son of Rohan Yadav, Resident of Village-
Somiya, P.S. - Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 01-11-2023 Heard Mr. Gajendra Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Barachatti P.S. Case No. 52 of 2012 registered for the offence punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act.

3. Allegedly the police on a secret information rushed to village Jaigir Kewaliya and Somiya for destruction of illegal cultivation of Opium plant. However, on noticing the police party, the accused persons, including the petitioner, succeeded in fleeing away. The petitioner is said to be involved in the illegal cultivation of opium plant over his land.

4. It is submitted on behalf of the petitioner that from



the F.I.R., it is evident that altogether 42 persons have been made accused in this case and though the case has been instituted in the year 2012, but till date the petitioner has not been served any process and in fact he was not even aware with regard to the institution of the present case. That apart, the petitioner is a man of fair antecedent. He also submits that the petitioner has no concern with the land over which the alleged Opium plants were said to be cultivated.

5. On the other hand, learned APP for the State opposes the bail application and submits that the present case is of the year 2012 and after a decade the petitioner has filed the present anticipatory bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been continuously evading from the law for more than ten years, this Court is not persuaded to accept the submission on the ground of delay and, as such, the prayer of the petitioner for grant of anticipatory bail stands rejected.

7. It is needless to observe that if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the learned court below shall consider the same on its own merit, without being prejudiced by the order of



this Court.

(Harish Kumar, J)

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