

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74867 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- BARACHATTI District- Gaya

NAGO BHUIYAN @ NAGO RIKIYASAN Son of Sri Nanhu Bhuiyan
Resident of village - Somiya, P.S.- Barachatty, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Barachatti P.S. Case No. 52 of 2021 registered for the offences punishable under Sections 8(b), 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 23.01.2021 the officials of forest department, S.S.B. Personnel, Barachatti Police and Narcotic Control Bureau conducted a raid in Bhalua Forest Area and plant of opium which was planted in 4.2 acres of forest land has been destroyed. The persons who cultivated the opium are Nago



Bhuiyan, Jagdish Bhuiyan, Ramesh Bhuiyan, Shambhu Bhuiyan and Preet Yadav.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that nothing incriminating article has been recovered from the possession of the petitioner or from the land belongs to him.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, considering that as per the prosecution story, the opium was found planted in 4.2 acres of forest land, the source of the prosecution claiming that the petitioner and others had cultivated the opium in the forest land is not disclosed and that the co-accused similarly situated have been either granted anticipatory bail by the learned court below or by this Court in Cr. Misc. No. 71694/2022, in order to maintain uniformity in justice, this Court directs that in the event of his arrest or surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five 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 Barachatti P.S. Case No. 52 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

