

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6980 of 2024

Arising Out of PS. Case No.-137 Year-2022 Thana- BARACHATTI District- Gaya

Uday Yadav, Son of Late Rama Yadav, R/o vill - Khajurain, P.S. - Barachatti,
Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Barachatti P.S. Case No. 137 of 2022, registered on 18.02.2022 for the offences under Sections 8(b), 18 and 19 of the N.D.P.S. Act.

3. As per prosecution case, the opium crop was destroyed on 3.48 acres of forest as well as private land. The name of the petitioner transpired in this case along with other co-accused persons on the statement of one Forest Guard.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is evident that no description of land has been given. The cultivation of opium crop was taking place on a forest



land but no forest officials have been made accused in this case. The raid was conducted on 03.02.2022 but the FIR has been registered after five days for which there is no explanation. The petitioner has no concern with the said land and nothing incriminating has been recovered from his conscious possession. Similarly placed co-accused person, namely, Tapeswar Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 02.08.2023 passed in Cr. Misc. No. 39956 of 2023. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Spl. Judge, NDPS Act, Gaya/court concerned in connection with Barachatti P.S. Case No. 137 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the



petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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