

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14961 of 2024

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

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Tileshwar Singh @ Tileshwar Kumar Son of Sewa Singh Resident of Village -
Harnai, Ps- Barachatti, Distt- Gaya

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 12-03-2024 1. Heard learned counsel appearing on behalf of
- the petitioner and learned Additional Public Prosecutor
- appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R.
- and apprehending his arrest in connection with
- Barachatti P.S. Case No. 198 of 2023 registered for the
- offences punishable under Sections 8(b), 18 and 29 of
- N.D.P.S., Act.
3. The allegation against this petitioner is to
- involve in illegal farming of opium plants on government
- land of village Piprahi, Harnai and Sisatri, which comes
- under forest divisions. Cultivation of opium plants was



done over 19.65 acres of land out of which 14.80 acres was under use of forest department, whereas rest of 4.85 acres of land was of others i.e. non-forest land.

4. Learned counsel appearing on behalf of the petitioner submitted that the implication of this petitioner appears false, *prima facie*, as he is a local labourer and usually works in agricultural field of in and around the land in issue. It is submitted that the name of petitioner was surfaced from unknown villagers, which is apparent from the narration of FIR, itself. While concluding the argument, it is submitted that similarly situated co-accused persons, namely, Hulas Singh @ Hulas Singh Bokta and Suresh Singh have already been granted anticipatory bail by one of the learned Co-ordinate Benches of this Court through Cr. Misc. No. 59612 of 2023 vide order dated 05.10.2023 and petitioner's case stands on similar footing.

5. Learned APP appearing for the State opposes the prayer of bail.



6. Considering the aforesaid factual submissions as the name of petitioner appears in this case, *prima facie*, out of saying of unknown villagers, where similarly situated co-accused persons have already been granted anticipatory bail by learned Co-ordinate Bench of this Court, accordingly, the above named petitioner, in the event of his arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge N.D.P.S. Act, Gaya/concerned Court, where the case is pending in connection with Barachatti P.S. Case No. 198 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further conditions:-

“(i) one of the bailors should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

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

(iv) the petitioner 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 bond;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bond.”

(Chandra Shekhar Jha, J)

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