

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21418 of 2024

Arising Out of PS. Case No.-175 Year-2022 Thana- BARACHATTI District- Gaya

Sukhdev Singh @ Sukhdev Singh Bhokta SON OF LATE NANHU SINGH
@ NANHU SINGH BHOKTA Resident of Village- Badki Chapi, P.S.-
Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Barachatti P.S. Case No. 175 of 2022 instituted under Sections 8(b), 18, 29 of the NDPS Act of the Indian Penal Code lodged on 28.2.2022 by the informant, Dhanlal Giri.

3. As per the prosecution story, the informant who is the Forest Officer, on the direction of Superior Officers, when they along with the staffs of Narcotics Department visited Badki Chapi forest range, found illegal cultivation of opium in 25.09 acres of land of which around 18 acres were forest land while seven acres were non forest land. It was destroyed and later the spy gave the names of accused which included the petitioner. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that admittedly, the FIR shows that 18 acres belong to the forest area and as such it is the Forest Officer who has to explain how the opium plants were grown there. Further, even 7.10 acres of area which is no forest land, a categorical statement has been made in para-9 that does not belong to the petitioner. He has no criminal antecedent.

5. Learned APP submits that his name has come on the basis of information given by the spy.

6. Considering the submissions aforesaid as also that most of the area on which, the cultivation has been found is forest land and the accountability rests with the Forest Officer, as per statement made in para-9, the land in question does not belong to the petitioner coupled with the fact that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail. However, if it is found that contrary to the statement made in the anticipatory bail application, if the petitioner is found to have criminal antecedent, this order shall become infructuous.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Barachatti P.S. Case No. 175 of 2022 to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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 bonds;



(vi) 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 bonds.

(Rajiv Roy, J)

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