

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34513 of 2024

Arising Out of PS. Case No.-1085 Year-2023 Thana- BARACHATTI District- Gaya

Manoj Yadav Son of Kishun Yadav Resident of Village - Chhotki Chapi, P.S.-
Barachatty, 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.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 31-07-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Barachatty P.S. Case No. 1085 of 2023 instituted under Sections 8, 18, 29 of the NDPS Act lodged on 24.12.2023 by the informant, Rakesh Kumar.

3. As per the prosecution story, the police alleges that a joint team was constituted for destruction of opium cultivation and when they reached a river near Chhotki Chapi and started destruction of the opium. It was in the forest area and altogether 10.42 acres were used for the cultivation. The locals gave the name of the accused persons which led to the FIR.

4. Learned counsel for the petitioner submits that it is a protected forest area, none of the accused persons were found to have indulged in the said cultivation, only to implicate them,



the police has taken the *alibi* of information from the villagers.

Last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the names have come on the disclosure of the locals.

6. Having heard the parties, in the opinion of the Court, it is unfortunate that an area (10.42 acres which is a protected forest area, on 10.42 acres of land, the opium cultivation was being done which clearly shows the dereliction of duty by the forest officials.

7. So far as the present case is concerned, the petitioner do not have criminal antecedent, the land admittedly belongs to the forest, the name has cropped up on the basis of alleged disclosure of local villagers whose name has not been brought on record, this petitioner deserves relief.

8. 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 Barachatty P.S. Case No. 1085 of 2023 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/relative 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 bonds;

(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 bonds.

(Rajiv Roy, J)

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