

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40347 of 2024

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

Ratan Singh @Ratan Singh Bhokta @Ramratan Singh S/O Late Budhan
Singh 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, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-08-2024 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



that it does not belong to the petitioner, he has no criminal antecedent and the last submission is that similar placed co-accused Sukhdev Singh @ Sukhdev Singh Bhokta has been granted relief in Cr. Misc. No. 21418 of 2024.

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 and the co-accused has been granted relief, this Court is inclined to extend him privilege of anticipatory bail.

7. 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.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya in connection with Barachatti P.S. Case No. 175 of 2022 subject to the conditions as laid down under Section 438(2) of the



Cr.P.C.

(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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(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)

Adnan/-

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