

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41766 of 2024

Arising Out of PS. Case No.-202 Year-2024 Thana- BARACHATTI District- Gaya

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Narayan Singh, Son of Baldev Singh, Resident of Village- Gohi, P.S.-
Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-07-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 8(b), 18, 29 N.D.P.S. Act in connection with Barachatti
P.S. Case No.202 of 2024.
3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant.
4. It is next submitted that the informant alleges that



on 18.02.2024 he along with other officials had gone to destroy the opium plantation in upper and lower Gohi Area. It is next alleged that they found opium planted on 11.2 acres of forest land, thereafter inquiry was made from local people about the plantation when they disclosed the name of the accused persons along with the petitioner.

5. The learned counsel submits petitioner has been falsely implicated in the instant case by the informant. It is further submitted that FIR does not disclose the name of the person who disclose the name of the petitioner that he was involved in the plantation of opium which cast an aspersion on the case of the prosecution when it is not the case of the informant that he received any secret information with respect to the occurrence based on which he had gone to destroy the opium plantation. It is further submitted that opium plantation was found on forest land and not on any private land and it is not possible for villagers to enter the forest with ease for carrying on with opium plantation. It is next submitted that it appears that the officials of the Forest Department were involved in the occurrence and when the fact came to the notice of the authorities, the petitioner has been made an scapegoat. It is further submitted that petitioner will not abscond rather will



cooperate in the investigation to prove his innocence.

6. The learned APP opposes the anticipatory bail application.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya in connection with Barachatti P.S. Case No.202 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself as and when required, in that event, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons and to take all coercive steps to ensure that petitioner is behind bar.



9. Let a copy of this order be sent to the concerned
P.S. through the learned Trial court.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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