

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43922 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- BARACHATTI District- Gaya

Birendra Singh @ Virendar Singh SON OF LATE DEGAN SINGH Resident
of Village- Masaundha, P.S. -Mohanpur, 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 : Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 8, 18
and 29 of the NDPS Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. The informant (Forest Range Officer, Ambatri
Forest Area) alleges that on 01.02.2024 and 02.02.2024 at
about 11:00 AM on the direction of senior officers, he reached
at Rangwa area for destruction of opium and accordingly
during the course of destruction of opium, he saw that
different plots of *Thana* No. 654 at Rangwa forest area opium



was being cultivated, the area is protected forest and the opium was found planted on 15.52 acres of forest land and the local villagers disclosed the name of the accused persons of their involvement in illegal farming of opium on forest land.

5. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that opium was found planted on forest land, it is further submitted that it is the forest officials who indulged in farming of opium and when the fact comes to the notice of the superior officers, innocent people are implicated who reside adjacent to the forest area. It is also submitted that it absolutely does not stand to reason that opium was found cultivated on such huge area of forest land and the forest authorities who keeps surveillance of the forest, were not aware of the said fact. It is next submitted, at the cost of repetition, that petitioner is a person with clean antecedent and has been implicated at the instance of local villagers as alleged in the FIR, but then the FIR does not disclose the name of the person who disclosed the name of the petitioner which casts as aspersion on the case of the prosecution as it is not the case of the prosecution that based on secret information, the name of the petitioner transpired in the case.



It is also submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barachatti P.S. Case No. 86 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. One of the bailors of the petitioner shall be his brother-in-law, Subhash Singh Kharwar.

9. 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 co-operating in the investigation or 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.

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

11. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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