

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42950 of 2024

Arising Out of PS. Case No.-109 Year-2021 Thana- BARACHATTI District- Gaya

Karu Singh @ Karu Bhokta SON OF SUNDAR BHOKTA Resident of
Village- Bumer Tola, Ambatari, P.S. Barachatti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-08-2024

Heard the parties.

2. The petitioner apprehends his arrest in connection with Barachatti P.S. Case No. 109 of 2021 for the offence registered under sections 8(b), 18, 29 of the N.D.P.S. Act lodged on 15.02.2021 by the informant Jay Prakash Mahto.

3. As per the prosecution story, Jay Prakash Mahto who is the Forest Ranger Officer, Bhalua Forest Range is that on 15.02.2021, he destroyed the opium plants about 8.88 acre land in Bhalua Forest Area with the help of SSB, Dhangai, Barachatti Police officials, Narcotics Control Bureau, Patna. On inquiry, it was found that accused/petitioner Kesho Bhokta and one other co-accused were cultivating opium plants in aforesaid area. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the



recovery/seizure is from the forest land and he cannot be made accused in such recovery.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the allegation is of the year 2021 and his name is there in the FIR but he evaded arrest for 3 long years and in that background, there is no need for him to move before this Court for grant of anticipatory bail and as such, opposes the said relief.

6. The recovery/seizure may be from the forest area, the fact remains that he has been named in the FIR and in that background, he could have pursued the legal remedy available under the law instead of sitting over the matter for the last three years and in that background, no relief can be granted.

7. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

Vijay Singh/-

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