

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46349 of 2024**

Arising Out of PS. Case No.-199 Year-2022 Thana- BARACHATTI District- Gaya

1. Sarju Singh Bhokta @ Surju Singh Son Of Late Bhawani Singh Resident Of Village - Badki Chapi, P.S. - Barachatti, District - Gaya
2. Vijay Yadav Son Of Tula Yadav Resident Of Village - Badki Chapi, P.S. - Barachatti, District - Gaya
3. Rajesh Yadav @ Bhushan Yadav Son Of Ramdeo Yadav Resident Of Village - Badki Chapi, P.S. - Barachatti, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                     |   |                                    |
|---------------------|---|------------------------------------|
| For the Petitioners | : | Mr. Gajendra Kumar Singh, Advocate |
| For the State       | : | Dr. Ajeet Kumar, APP               |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      26-10-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Barachatti P.S. Case No.-199 of 2022 dated 05.03.2022 registered for the offences punishable under Sections 8(b), 18 and 29 of the NDPS Act.

3. As per the FIR the petitioners are alleged to have cultivated opium on forest and non-forest land.

4. Learned counsel for the petitioners submit that the Petitioners are innocent and have falsely been implicated in this



case. He further submits that the case is based on only on suspicion. He also submits that the land on which the opium has been allegedly cultivated belongs to the state. Moreover, no specific details of the land over which the opium has been allegedly cultivated, has not been given.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya, in connection with Barachatti P.S. Case No.- 199 of 2022, subject to the conditions as laid down under



Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

**(Jitendra Kumar, J.)**

ramesh/S. Ali-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

