

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47197 of 2024

Arising Out of PS. Case No.-197 Year-2024 Thana- BARACHATTI District- Gaya

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1. Raju Manjhi @ Raju Bhuiyan S/o Biran Manjhi @ Birbal Bhuiyan @ Birbal Manjhi R/o vill - Somiyan, P.S. - Barachat, Distt. - Gaya
 2. Dinesh Manjhi S/o Biran Manjhi @ Birbal Bhuiyan @ Birbal Manjhi R/o vill - Somiyan, P.S. - Barachat, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Narcotic Commissioner, New Delhi New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh
For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-08-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the Union of India.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 8(b), 18 and 29 of the N.D.P.S. Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 09.02.2024, a raid at Sabalpur *Muhane* river for destroying opium cultivation was conducted, as opium was cultivated on 7-8 plots of the protected forest area, the opium



was destroyed and on inquiry, the local villagers disclosed the name of the petitioners and others involved in the cultivation.

4. Learned counsel for the petitioners submits from perusal of the allegations as alleged in the F.I.R., it would manifest that opium is alleged to have been destroyed on 09.02.2024 and thereafter the instant FIR came to be instituted on 03.04.2024 i.e. after a delay of nearly two months. It is also submitted that what is not disputed rather stands admitted is that opium was found planted on the land of protected forest area which required to be destroyed, as such, the opium had grown, but then it absolutely does not stand to reason that why the forest officials had adopted a lackadaisical approach and required the police to destroy the opium. It is also submitted that opium cannot be planted on forest land without the connivance of the forest officials. It is also submitted that it absolutely does not stand to reason that as to why the FIR came to be instituted after such delay when the opium was destroyed on 09.02.2024 which casts an aspersion on the conduct of the informant also. It is also submitted that it is very easy to implicate someone based on secret information and at times such tactics are applied to save the real culprits. It is next submitted that petitioners will not abscond rather will co-operate in the investigation.



5. Learned A.P.P. for the State along with learned C.G.C. opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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. 197 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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