

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53022 of 2024

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

Hemraj Singh @ Hemraj Kumar Son of Moti Singh Resident of village -
Gohi, P.S.- Barachatti, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-09-2024 1. Heard learned counsel for the petitioner and 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 and 29 of the 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 over 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 for the petitioner submits that 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 disclosed the name of the petitioner that he was involved in the plantation of opium which casts 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 involvement of the petitioner in 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, it is next submitted that it is not possible for villagers to enter the forest with ease for the purposes of 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 superior authorities, the petitioner has been made a scapegoat. It is also submitted that Department of Forest has its own teams for surveillance and it does not appear possible that the authorities of the forest were completely in oblivion that opium has been planted over such a vast track of



land. It is also submitted that without the connivance of the forest officials, opium cannot be planted, but then, the informant in order to save the real culprits, made the petitioner a scapegoat. It is next submitted that if proper investigation of the case is conducted by the police then real culprits of the Department of forest would be apprehended.

6. The Court finds merit in the submissions made by the learned counsel appearing on behalf of the petitioner.

7. The learned APP for the State opposes the anticipatory bail application of the petitioner and submits that in the event if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation.

8. 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.

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 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.

10. Let a copy of this order be sent to the Senior Superintendent of Police, Gaya for his perusal.

11. The Court expects that the case would be investigated in its correct perspective from all angles as recorded hereinabove.

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

(Satyavrat Verma, J)

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