

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55468 of 2024

Arising Out of PS. Case No.-175 Year-2022 Thana- BARACHATTI District- Gaya

Rajesh Yadav Son of Ramdeo Yadav Resident of Vill- Barki Chapri, P.S.-
Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-12-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Barachatti P.S. Case No. 175 of 2022 instituted under Sections 8(b), 18, 29 of the NDPS Act lodged on 28.02.2022 by the informant, Dhanlal Giri.

3. As per the prosecution story, the informant who is the Forest Officer, on the direction of Superior Officers, when they along with the staffs of Narcotics Department visited Badki Chapi forest range, found illegal cultivation of opium in 25.09 acres of land of which around 18 acres were forest land while seven acres were non forest land. It was destroyed and later, the spy gave the names of accused which included the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the land belongs to the Forest Department and it was their



responsibility to take care and cannot implicate the locals for anything that has been grown on it. The land on which the opium plants have found does not belong to him. It is his further undertaking that if granted relief, he intends to plant sapling on both side of National Highway-19 in his area for one kilometer within seven days of his furnishing bail bond and after preparing the video of the said, the pen-drive will be submitted to the Barachatti Police Station, Gaya under whose jurisdiction the present case was lodged.

5. Learned APP submits that his name has come on the basis of information given by the spy.

6. Considering the submissions aforesaid as also that most of the area on which, the cultivation has been found is forest land and the accountability rests with the Forest Officer, as per the statement made in para-9, the land in question does not belong to the petitioner coupled with the fact that he do not have criminal antecedent and the co-accused has been granted relief, this Court is inclined to extend him privilege of anticipatory bail.

7. The anticipatory bail granted is subject to the undertaking given by the petitioner that he will be planting saplings for one kilometer on both sides on the National Highway-19 (Grand Trunk Road), a video to be made of the said and the pen-drive to be submitted to the Barachatti Police Station and the



concerned Police Official (Station Head Officer) thereafter will providing an acknowledgment which shall come by way of supplementary affidavit alongwith the Pen Drive filed by the petitioner in four weeks.

8. In case, the said area is green, he shall be planting the sapling in another one kilometer barren National Highway 19.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya in connection with Barachatti P.S. Case No. 175 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

10. List this case on 31.01.2025 under the heading “To be Mentioned’ to peruse the supplementary affidavit and view the Pen Drive video.

(Rajiv Roy, J)

Adnan/-

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