

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57643 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- DHANGAI District- Gaya

1. Sompal Yadav @ Sompal Yadav Son Of Mallu Yadav @ Ghanshyam Yadav Vill- Hahehari Ps -Dhangai (Barachatti) Dist -Gaya
2. Rohan Yadav Son Of Late Karu Yadav Vill- Hahehari Ps -Dhangai (Barachatti) Dist -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Dhangai P.S. Case No. 25 of 2024 dated 12.03.2024 instituted for the offence punishable under Sections 8, 15, 18(c), 25 of the N.D.P.S. Act.

3. Allegation against the petitioners and other accused persons are that they cultivated poppy plants in the forest land of Thana No. 258.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that from perusal of the F.I.R., it appears that poppy plants were destroyed on several dates starting



from 07.02.2024 to 01.03.2024, but the written report was lodged on 12.03.2024 i.e. after more than one month. It is admitted fact that the poppy plants were cultivating in the forest area. Learned counsel for the petitioners further submits that only on the basis of suspicion the petitioner has been made accused in this case. Nothing has been recovered either from the possession of the petitioner or from his house. It is further submitted that the petitioners resides 18 km away from the alleged place of occurrence. Poppy plants are grown in connivance of the officials of forest department and whenever a situation arises to lodge F.I.R., innocents persons were made escape goats. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Dhangai P.S. Case No. 25 of 2024, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge cum Special Judge, NDPS Act, Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following



conditions:-

- I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wives.
- III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- IV. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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