

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58325 of 2024

Arising Out of PS. Case No.-1160 Year-2022 Thana- BARACHATTI District- Gaya

Sakaldev Yadav @ Sakaldev Kumar @ Sakaldeo Kumar S/o Bhola Yadav
Resident of Village- Badki Chapi, P.S. Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-09-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 8(b), 18, 29 of the NDPS Act.
3. Learned counsel for the petitioner submits that on 13.12.2022, 8.70 acres of opium plantation was destroyed out of which 7.8 acres of opium was found planted on forest land and rest of the opium was found planted on non-forest land, measuring .90 acre and the name of the petitioner transpired in the case based on the disclosure made by the local villagers.
4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that opium was found planted on forest as well as non-forest land, it is next submitted that it is the forest official, who indulged in farming of opium and when the fact comes to the



notice of superior authority, innocent people are implicated, who reside adjacent to the forest area. It is also submitted that it absolutely does not stand to reason that how opium was found cultivated on such large area of forest land, when forest authorities keeps surveillance of the forest area, which amply demonstrates that whatever happens on the forest land is in connivance with the forest officials, who are deputed to keep surveillance of the forest area on daily basis. It is also submitted that the F.I.R. does not disclose the name of the person, who disclosed the name of the petitioner, which casts an aspersion on the case of the prosecution, as it is not the case of the prosecution that based on secret information, the name of the petitioner transpired in the case. It is also asserted and submitted that petitioner is not the owner of the non-forest land.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that it is a case instituted under the N.D.P.S. Act and if 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 to prove his innocence that he has no role in plantation of opium either on the forest land or the non-forest land and is not in any way associated or concerned with the non-forest



land.

6. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) 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.1160/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his father, namely, Bhola Yadav.

8. 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 the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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