

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63483 of 2024**

Arising Out of PS. Case No.-199 Year-2024 Thana- BARACHATTI District- Gaya

Birendra Yadav S/o Yukti Yadav R/o vill - Somiya, P.S.- Barachatti, 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, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 22-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out of Barachatti Police Station Case No. 199 of 2024 dated 04.04.2024, disclosing offences under Sections 8 (b), 18 and 29 of the N.D.P.S. Act.

3. The prosecution case, as per the First Information Report is that, the prosecution party started destroying the cultivation of opium plants at Somiya Kewaliya and Dowat area near the bank of Mohana river. The opium was cultivated on four plots situated in land of protected forest area. It has further



been alleged that the cultivation of opium was destroyed by JCB and tractor and the some of the opium plants have been kept by the police as material exhibit. Upon enquiry it came to the knowledge of the police party that the petitioner and others were involved in the cultivation of opium upon the land of protected forest area.

4. Learned counsel for the petitioners submits that as per the F.I.R. all the cultivation of opium was destroyed on 10.02.2024, whereas, F.I.R. has been registered after two months of delay i.e., on 04.04.2024. He next submits that the name of the petitioner has come on the basis of disclosure made by the villagers. He further submits that the petitioner is in custody since 14.06.2024 and chargesheet has been submitted against the petitioner, as such, there is no likelihood of the petitioner being abscond or temper with the evidence.

5. Regards being had to the submissions made by the parties and taking into consideration the fact that chargesheet has been submitted against the petitioner, and there is no likelihood that the petitioner will abscond or temper with the evidence and the petitioner is in custody since 14.06.2024, I am inclined to grant regular bail to the petitioner.

6. Let the petitioner, above named, be released on bail



on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Sessions Judge-cum-Spl. Judge, N.D.P.S. Act, Gaya in connection Barachatti Police Station Case No.199 of 2024.

(Anil Kumar Sinha, J)

Siwani/-

U		T	
---	--	---	--

