

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65929 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- BHADHWAR District- Gaya

1. Dhananjay Yadav @ Dhananjay Kumar Son of Sakhi Yadav R/O Vill.- Kishunchak, Barwadih, P.S.- Bhadawar, Dist.- Gaya, Bihar
2. Upendra Chaudhary Son of Parmeshwar Chaudhary R/O Vill.- Kishunchak, Barwadih, P.S.- Bhadawar, Dist.- Gaya, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union Of India, Through The Narcotic Commissioner New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Singh, Advocate
For the State	:	Mr. Satyendra Narayan Singh, APP
For the O.P. No. 2	:	Mr. Arvind Kumar, C.G.C.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the informant/O.P. No. 2.

2. The petitioners apprehend arrest in connection with Bhadawar P.S. Case No. 07 of 2024 dated 11.02.2024 instituted for the offence punishable under Sections 8(B), 18, 24, 27(B), 29 of the N.D.P.S. Act.

3. The allegation against the petitioners and other co-accused persons are that they cultivated opium plants in large scale over the forest lands, which belong to the Forest Department and the said Department is the custodian of the said land.

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 the petitioners have no concern with the said cultivation of opium plants as well as said plantation over the lands which belongs to the Forest Department. Nothing has been recovered either from the conscious possession of the petitioners or from their house. There is no evidence or material on record to show that the petitioners were cultivating the said opium plants. Only on the basis of suspicion, the petitioners along with other accused persons have been made accused in this case. Similarly situated co-accused, namely, Satyendra Yadav, Krishan Yadav @ Krishna Yadav and Ashok Yadav @ Kishor Yadav have been granted anticipatory bail *vide* order dated 10.07.2024 passed by this Court in Criminal Miscellaneous No. 43150 of 2024. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently 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 Bhadwar P.S. Case No. 07 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 Spl. Judge, N.D.P.S. Act, Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C.,

(Khatim Reza, J)

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