

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84195 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- BARACHATTI District- Gaya

Shamik Yadav @ Shamik Kumar @ Navin Kumar Son Of Sanjay Kumar @
Kishori Yadav R/O Village- Sewai, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate
		Mr. Satyabeer, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-01-2024 Heard Mr. Anil Kumar Sinha, learned counsel
appearing on behalf of the petitioner and the learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Barachatti P.S. Case No. 122 of 2022, registered for the
offences punishable under Sections 8(b), 18 and 29 of the
N.D.P.S. Act.

3. It is alleged that the F.I.R. is based upon the written
report of the informant, alleging therein that the accused persons
including the petitioners are found involved in cultivation of
opium plants on the forest land at the villages Funguniya, Dang
and Khaira, out of which some of the accused persons are also
indulged in smuggling of opium.



4. Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that the alleged opium plants have been found over the forest land and the petitioner has no concern either with the land or the opium plant. Further submission has been made that save and except the suspicion that the petitioner was also involved in the crime, there is no materials suggesting the involvement of the petitioner. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court. That apart one of the co-accused person having identical allegation and was facing other criminal cases, he has been allowed the privilege of anticipatory bail by learned Co-ordinate Bench of this Court in Criminal Miscellaneous No. 59671 of 2022 vide order dated 17.05.2023.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact the alleged opium has been found over the forest land and the petitioner has no concern with the same, coupled with the fact that co-accused person having identical allegation has been allowed the



privilege of anticipatory bail and the petitioner bears fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Gaya in connection with Barachatti P.S. Case No. 122 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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