

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84333 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- BARACHATTI District- Gaya

Mithilesh Yadav Son of Nageshwar Yadav R/o vill - Gohi, P.s. - Barachatti,
Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Veer, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Barachatti P.S. Case No.137 of 2022, lodged on 18.02.2022,
under Sections 8(b)/18/29 of the N.D.P.S. Act.

3. As per the prosecution, there is allegation against
11 named accused persons that they are involved in plantation of
opium plant in 3.48 acres of land, which was destroyed and after
enquiry name of 11 persons including the petitioner surfaced in
illicit cultivation of opium plant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that his name surfaced only on suspicion upon
disclosure of the co-villagers with whom his relation is not



good. Counsel further submits that the allegation is that the Opium has been planted but no such Opium has been recovered nor the said cultivation belongs to the petitioner. He submits that the petitioner has no criminal antecedent and he is in custody since 03.09.2023. Counsel further submits that the other two co-accused persons have been granted bail by a coordinate Bench of this Court vide order dated 25.04.2023 and 19.12.2023 passed in Cr. Misc. No.13034 of 2023 and Cr. Misc. No.81920 of 2023 respectively.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S., Gaya, in connection with Barachatti P.S. Case No.137 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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