

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15113 of 2025

Arising Out of PS. Case No.-175 Year-2022 Thana- BARACHATTI District- Gaya

Upendra Kumar @ Upendra Yadav Son of Chandar Yada Resident of Village-
Somiya, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Barachatti P.S. Case No. 175 of 2022, disclosing offences under Sections 8(b), 18 and 29 of the N.D.P.S. Act, 1985.

3. As per the prosecution case, the informant who is the Forest Officer, visited the forest of village Barki Chapi and found the illegal cultivation of opium in 25.09 Acres of land in which around 18 Acres were forest land while 7 Acres were non-forest land. The opium was destroyed and police got the information that the petitioner along with others were indulged in cultivation of poppy.

4. Learned Counsel for the petitioner submits that petitioner has been made accused in this case on the basis of information received from the spy. The petitioner is not the owner



of the non-forest land. Learned counsel further submits that similarly situated co-accused persons have been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 13.12.2024, 04.04.2024 and 09.08.2024 passed in Criminal Misc. No. 55468 of 2024, 21418 of 2024 and 40347 of 2024 respectively.

5. Regards being had to submissions made by the parties and taking into consideration the fact that similarly situated co-accused persons have been granted anticipatory bail by the Co-ordinate Bench of this Court, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let the petitioner above named petitioner, in the event of his arrest or surrender before the Court below within four weeks, 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-Special Judge (N.D.P.S. Act), Gaya, in connection with Barachatti P.S. Case No. 175 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

Siwani/-

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

