

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65160 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- BARACHATTI District- Gaya

Bijay Bhuiyan Son of Badhu Bhuiyan Village- Baijnathpur, P.S.- Mohanpur,
District- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Singh
For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-02-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 8, 18 and
29 of the N.D.P.S. Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant (Forest Range Officer, Ambatri Forest Area) alleges
that on 01.02.2024 and 02.02.2024 at about 11.00 A.M. on the
direction of senior officers, he reached at Rangwa area for
destruction of opium and accordingly, during the course of
destruction of opium, he saw that different plots of Thana
No.654 at Rangwa Forest Area opium has been cultivated, the
area is protected forest and the opium was found planted on



15.52 acres of forest land and the local villagers disclosed the name of the accused persons including the petitioner of their involvement in illegal farming of opium on forest land.

4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that opium was found planted on forest land. It is further submitted that it is the forest officials, who indulged in farming of opium and when the fact comes to the notice of the superior officers, innocent people are implicated, who reside adjacent to the forest area. It is also submitted that it absolutely does not stand to reason that opium was found cultivated on such huge area of forest land and the forest authorities, who keep surveillance of the forest area, were not aware of the said fact. It is also submitted that even the FIR does not disclose the name of the person, who disclosed the name of the petitioner, which cast an aspersion on the case of the prosecution, when it is not the case of the informant that he received secret information with regard to the name of the petitioner. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barachatti P. S. Case No. 86 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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