

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60150 of 2025

Arising Out of PS. Case No.-134 Year-2025 Thana- BARACHATTI District- Gaya

1. Kamlesh Saw S/o Sahdev Saw Resident of Village - Garwaiya, P.S.- Barachatty, District - Gaya,
2. Ranjan Kumar @ Ranjan Singh Kumar @ Ranjan Sao @ Ranjan Singh Bhokta S/o Ashok Singh Bhokta Resident of Village - Bathaniya More, P.S.- Barachatty, District - Gaya,
3. Anil Kumar S/o Rameshwar Yadav Resident of Village - Masoundha, P.S.- Bahera, District - Gaya,
4. Ram Bhajan Yadav S/o Rameshwar Yadav Resident of Village - Masoundha, P.S.- Bahera, District - Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-11-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 8(B), 18 and 29 of the NDPS Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that opium cultivated on 5.57 acres of forest land was destroyed and on enquiry local person disclosed the name of the accused persons including the petitioners.



4. The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would be seen that opium was found planted on forest land. It is next submitted that it is the forest officials, who indulged in farming of opium and when the fact comes to the notice of superior authority, innocent people are implicated, who reside adjacent to the forest area. It is next submitted that it absolutely does not stand to reason that how opium was found cultivated on such large areas of forest land, when forest authorities keep surveillance over the forest area, which amply demonstrates that whatever happens on the forest land is in connivance with the forest officials, who are deputed to keep surveillance of forest area on daily basis. It is also submitted that the FIR does not disclose the name of the person who disclosed the name of the petitioners, which casts an aspersion on the case of the prosecution.

5. Learned A.P.P., Sri Chandra Bhushan Prasad opposes the anticipatory bail application and submits that a counter-affidavit has been filed on behalf of the Investigating Officer, wherein it has been specifically pleaded that the name of the petitioners was disclosed by local villager, on which the learned counsel appearing on behalf of the petitioners submits that in the counter-affidavit also the name of the persons who



disclosed the name of the petitioners is not pleaded when it is not the case of the prosecution that the name of the petitioners transpired in the case based on secret information. The Learned APP further submits that in the event, if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya in connection with Barachatti P. S. Case No. 134 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite



giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. At this stage, the learned counsel appearing on behalf of the petitioners submits that name of the father of petitioner No. 2 is Sahdev Sao, but inadvertently the same has been recorded as Ashok Singh Bhokta, thus seeks permission to rectify the same.

10. Permission is accorded.

(Satyavrat Verma, J)

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