

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66350 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- BARACHATTI District- Gaya

Surendra Yadav Son of Munshi Yadav Resident of Village- Piprahi, P.S.
-Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the State : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 10-01-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with
Barachatti P.S. Case No. 18 of 2024 dated 09.01.2024,
registered for the offences punishable under Sections 8, 18 and
29 of the N.D.P.S. Act, 1985.

3. As per the allegation, the accused persons including
the petitioner were involved in cultivation of opium.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that the land where the opium was
allegedly cultivated belongs to the Forest Department of the
Government and petitioner has no connection with the alleged



offence. He further submits that petitioner has been implicated without any legal basis. He also submits that similarly situated co-accused person Raj Kumar Yadav @ Raj Kumar has been enlarged on anticipatory bail by this Court vide order dated 08.01.2025 passed in Cr. Misc. No. 87728 of 2024.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in one other case.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sessions Judge-cum-Special Judge (N.D.P.S. Act), Gaya in connection with Barachatti P.S. Case No. 18 of 2024, subject to



the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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