

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69036 of 2025

Arising Out of PS. Case No.-198 Year-2023 Thana- BARACHATTI District- Gaya

Balkishun Yadav @ Balkisun Yadav S/o Amrit Yadav, R/o Village- Piprahi,
P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Barachatti P.S. Case No. 198 of 2023 dated 18.02.2023
instituted for the offence punishable under Sections 8(b), 18, 29
of the N.D.P.S. Act.

3. The allegation against the petitioner is that he and
other accused persons were involved in illegal farming of opium
plants on government land of village Piprahi, Harnai and Sisatri,
which comes under forest division. Cultivation of opium plants
was done over 19.65 acres of land out of which 14.80 acres was
under use of Forest Department, whereas rest of 4.85 acres of
land was of others i.e. non-forest land.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is further submitted that F.I.R. has been lodged against 6 persons including the petitioner. The petitioner is a poor labourer. Only on the basis of disclosure made by the local chaukidar, the petitioner has been made accused in this case. Allegation is that the petitioner and other accused persons were involved in illegal cultivation of opium plant on reserved forest area which belongs to the Government. Learned counsel for the petitioner further submitted that similarly situated co-accused, namely, Tileshwar Singh @ Tileshwar Kumar has been granted anticipatory bail vide order dated 12.03.2024 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 14961 of 2024. Similarly, Hulas Singh @ Hulas Singh Bokta and Suresh Singh have been granted anticipatory bail vide order dated 05.10.2023 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 59612 of 2023. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of



six weeks from today, in connection with Barachatti P.S. Case No. 198 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya subject to condition as laid down under Section 482(2) of the B.N.S.S.,

(Khatim Reza, J)

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