

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77210 of 2024

Arising Out of PS. Case No.-1085 Year-2023 Thana- BARACHATTI District- Gaya

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Sachu Yadav S /O Tori Yadav Resident of Village- Chhotki Chapi, P.S.
Barachatti, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the State : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-02-2025

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Barachatty P.S. Case No. 1085 of 2023 registered for the offence under Sections 8, 18 and 29 of the NDPS Act, lodged on 24.12.2023 by the informant, Rakesh Kumar.

3. As per the prosecution story, the police alleges that a joint team was constituted for destruction of opium cultivation and when they reached a river near Chhotki Chapi and started destruction of the opium. It was in the forest area and altogether 10.42 acres were used for the cultivation. The locals gave the name of the accused persons which led to the FIR.

4. Learned counsel for the petitioner submits that it is a protected forest area, none of the accused persons were found to have indulged in the said cultivation, only to implicate them, the police has taken the alibi of information from both the villagers, he has no criminal antecedent. The last submission is



that one of the co-accused Manoj Yadav has been extended relief in Cr. Misc. No. 34513 of 2024.

5. Learned APP opposes the prayer for bail submitting that his name has come in the F.I.R.

6. Having heard the parties, in the opinion of the Court, it is unfortunate that an area (10.42 acres) which is a protected forest area, on 10.42 acres of land, the opium cultivation was being done which clearly shows the dereliction of duty by the forest officials.

7. So far as the present case is concerned, the petitioner do not have criminal antecedent, the land admittedly belongs to the forest, the name has cropped up on the basis of alleged disclosure of local villagers whose name has not been brought on record and further one of the co-accused has been extended relief as stated above, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya, in connection with Barachatty P.S. Case No. 1085 of 2023, subject to the conditions as laid down under Section



438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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