

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80764 of 2024

Arising Out of PS. Case No.-657 Year-2018 Thana- BARACHATTI District- Gaya

=====

Dinesh Yadav Son of Late Clhandrika Yadav Resident of village- Jamuni
Govat, P.S.- Mohanpur, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Adv.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-01-2025 Heard Mr. Suraj Narain Yadav, learned counsel for

the petitioner and Mr. Uday Pratap Singh, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Barachatti P.S. Case No. 657/ 2018 dated 05.10.2018
registered for the offence(s) punishable under Section(s) 15 and
18 of the NDPS Act.

3. The main submissions advanced by the petitioner's
counsel are that the instant matter relates to the cultivation of
opium plants in illegal manner over 20 acres of lands situated in
different villages and some part of the alleged land is said to be
belonging to the Forest Department, while the rest belongs to
private owners and as per the FIR, the police team and central
agency raided the alleged lands on 08.02.2018, 21.02.2018,



22.02.2018, 23.02.2018, 08.03.2018 and on 09.03.2018 and claimed to have found the opium plants being cultivated over the alleged lands but the FIR was registered on 05.10.2018 disclosing the name of the petitioner and other accused persons as being involved in the cultivation of alleged opium plants and the said disclosure was made after deep enquiry but the police party has not disclosed the details of the deep enquiry as well as the source upon which the petitioner and other accused persons have been alleged to be involved in the cultivation of the alleged opium plants. It is further submitted that one co-accused, Laldeo Yadav @ Laldeo Kumar carrying similar nature of allegation has been granted anticipatory bail by a learned co-ordinate bench of this court vide order dated 31.07.2023 passed in Cr. Misc. No. 38241 of 2023 and one co-accused Ruplal Singh @ Ruplal Singh Bhokta has been granted regular bail by this court vide order dated 20.04.2023 passed in Cr. Misc. No. 1328 of 2023. It is further submitted that it is not a case of the prosecution that the petitioner was seen by the police party or concerned officials of the central agency upon or near the alleged lands where opium plants were being cultivated when the raid was conducted and mainly on the basis of some vague information of the police Chowkidar, the petitioner has been



made accused while his house and land are situated 13 Km away from the alleged places of occurrence and the petitioner has made specific statement in paragraph 10 of the petition that he is not the owner of the private land upon which opium plants were being cultivated, as per prosecution story.

4. Though, learned APP appearing for the State has opposed the bail prayer of the petitioner but after seeing the case diary, he fairly accepted that except the suspicion raised by the police and the central agency regarding the petitioner's involvement, there is no material against the petitioner in the case diary. After seeing the case diary, learned APP has not drawn attention of this court regarding any cogent material to show the petitioner's involvement in the alleged cultivation of opium plants.

5. Having considered the above submissions advanced by the petitioner's counsel and mainly taking into account the fact that in respect of the alleged cultivation of opium plants over the alleged lands, the prosecution has failed to disclose any cogent material to show the petitioner's involvement in the alleged crime and merely on the basis of suspicion raised by some police Chowkidar, as stated above, the petitioner has been made accused and the most important thing is that the FIR was



registered after seven months of the recovery of the opium plants at the alleged lands and the statement of police Chowkidar was also recorded after several months after the discovery of the alleged crime, so, in such circumstances and also keeping in view the privilege of anticipatory bail having been granted to one similarly situated co-accused by a learned co-ordinate bench of this court, as mentioned above, this court is inclined to grant the same relief to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Barachatti P.S. Case No. 657/ 2018 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

BKS/-

U		T	
---	--	---	--

