

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74856 of 2025

Arising Out of PS. Case No.-10 Year-2023 Thana- BHADHWAR District- Gaya

1. Surendra Bhuiyan S/o Kedar Bhuiyan R/o Village- Tandwa, PS- Bhadwar, Distt- Gayaji
2. Yugesh Bhuiyan S/o Rameshwar Bhuiyan R/o Village- Rabdi, PS- Bhadwar, Distt- Gayaji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-11-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Bhadwar P.S. Case No. 10 of 2023 for the offence under sections 8(b), 18 and 29 of the N.D.P.S. lodged on 23.02.2023 by the informant, Dinesh Prasad Gupta.

3. As per the prosecution story, the informant, a forest Officer alleged that in the protected forest, the opium plant were planted which was destroyed. Though the Officers tried to chase the accused, they managed to escape and the locals gave the name of the accused persons which included the petitioners herein. This led to the FIR.

4. Learned counsel for the petitioners submit that a perusal of the FIR would show that only on the basis of



suspension, they have been named. Further, one of the co-accused, Brajesh Prasad has been granted relief by the Coordinate Bench in Cr. Misc. No. 67881 of 2025.

5. Learned APP opposes the prayer submitting that there names are there in the FIR.

6. Taking into account the submissions of the parties, it is ironical that the Forest Department themselves failed to protect their area. The FIR clearly shows that the opium plant was there in 18.3 acres in the protected forest area, certainly, the role of the Forest Officials is/are questionable, only on the basis of suspicion, the allegation is that these petitioners were also involved and as recorded above, one of the co-accused has been granted relief, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners 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) each with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gayaji in connection with Bhadwar P.S. Case No. 10 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family



member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

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

(Rajiv Roy, J)

Adnan/-

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