

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36681 of 2026**

Arising Out of PS. Case No.-56 Year-2026 Thana- BARACHATTI District- Gaya

Sikandar Kumar @ Sikandar Yadav, S/o Narayan Yadav, Resident of Village-  
Phunguniya, PS- Barachatty, District- Gaya,

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

**Appearance :**

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

For the Opposite Party/s : Mr. Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      16-06-2026                      Heard learned counsel for the petitioner and  
  
learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Barachatty P.S. Case No.56 of 2026 registered under Sections 8(B), 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act (in short 'NDPS Act').

3. The prosecution case, in brief, is that on 08.02.2026 at about 11:00 AM, a joint team comprising officials of the SSB, Home Products Department, representatives of the Intelligence Bureau and NCB reached the place of occurrence for inspection and verification. During inspection, it was found that illegal opium cultivation



was being carried out in the forest area situated near the river bank. Upon measurement and verification, opium cultivation was detected over approximately 1.10 acres of protected forest land falling under Forest Thana No. 284, notified vide Notification No. C/PF10148/52-23R dated 02.01.1953. The opium plants were identified and confirmed by all members of the raiding team, after which the plants were uprooted. Thereafter, the opium crop was destroyed on the spot by the labourers under the supervision of authorities.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. From perusal of the FIR, it appears that local villagers disclosed the name of the accused persons including the present petitioner. Nothing incriminating has been recovered from his conscious possession. Learned counsel further submits that there is general and omnibus allegation against all the accused persons that they are cultivating the opium in their land or the forest land. from perusal of the First Information Report, it transpired that



neither any plot no. nor Khata No. of the land in question has been mentioned which disclosed that the said land belongs to this petitioner. It is further submitted that similarly situated co-accused namely, Baijnath Singh Bhokta @ Baijnath Singh has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 32376 of 2026 dated 07.05.2026 and, therefore, this petitioner also deserves bail on the ground of judicial parity. The petitioner claimed clean antecedent.

5. Learned APP opposes the prayer for bail.

6. In view of aforesaid facts and submissions, as land in issue *prima facie* not appears connected with petitioner, where alleged cultivation of opium was found, accordingly, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya Ji in connection with Barachatty P.S. Case No.56 of 2026,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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