

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37403 of 2026

Arising Out of PS. Case No.-23 Year-2026 Thana- BARACHATTI District- Gaya

Karu Singh @ Karu Singh Bhogta @ Karu Bhokta @ Karu Singh Bhokta Son
of Late Mahavir Singh Resident of village- Jaygir Tola Bhoktadih, Ps-
Barachatti, Dist- Gaya ji

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Narcotic Commissioner, New Delhi New
Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr. Chandra Bhushan Prasad.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 23-07-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Sri Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 8(b), 18
and 29 of the NDPS Act.
3. No one appears on behalf of the Union of India.
4. Learned counsel for the petitioner submits that the
case was taken up on 17-6-2026 and the Union of India was
directed to file a counter-affidavit, but the same till date has not
been filed.
5. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely



implicated in the instant case by the informant. It is next submitted that the informant alleges that on 29-12-2025, he along with other forest officials, police force and team of NCB, Patna, visited village-Jaigir and found illegal cultivation of opium over forest area measuring 1.01 acres, further opium plats were destroyed and the informant came to know that accused persons including the petitioner were engaged in cultivation of opium.

6. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that FIR does not disclose the name of the persons who disclosed the name of the petitioner that he was involved in the plantation of opium, which casts an aspersion on the case of the prosecution, when it is not the case of the informant that he received any secret information with respect to the involvement of the petitioner in the occurrence based on which he had gone to destroy the opium plantation. It is further submitted that opium plantation was found on forest land and not on any private land. It is next submitted that it is not possible for the villagers to enter the forest area with ease for the purposes of carrying on with opium plantation. It is further submitted that forest guard mans the forest area. It is also



submitted that it appears that the officials of the forest department are involved in the occurrence and when the fact comes to the notice of the superior authorities, persons like petitioner are made scapegoat. It is next submitted that department of forest has its own team for keeping surveillance over the forest area and it does not appear possible that the authorities of the forests were completely in oblivion that opium has been planted over such a vast tract of forest land. It is further submitted that without the connivance of the forest officials, opium cannot be planted but then informant in order to save the real culprit made the petitioner and others scapegoat. It is also submitted that if proper investigation of the case is conducted by the police, the real culprit of the department of forest would be apprehended.

7. At this stage, learned A.P.P. for the State submits if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

8. After hearing the learned counsel for the parties, the Court finds merit in the submission made by learned counsel



appearing on behalf of the petitioner, as such, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barachatti P.S. Case No. 23 of 2026, subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

10. Let a copy of this order be sent to the Senior Superintendent of Police, Gayaji, for his perusal.

11. The Court expects that the case shall be investigated in its correct perspective from all angles.

(Satyavrat Verma, J)

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