IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43792 of 2026

CNR No. BRHC010587392026

Arising Out of PS. Case No.-19 Year-2024 Thana- BARACHATTI District- Gaya

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1. Chandradev Yadav S/o- Parmeshwar Yadav Resident of Village- Chhotki Chapi, PS- Barachatty, District- Gaya,
2. Ishwar Bhuiya @ Ishwar Manjhi S/o- Amrit Manjhi Resident of Village- Badki Chapi, PS- Barachatty, District- Gaya,
3. Pramod Manjhi @ Pramod Bhuiya S/o- Basudev Bhuiya Resident of Village- Chhotki Chapi, PS- Barachatty, 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 Opposite Party/s : Dr. Mritunjaya Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

5 19-11-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The Petitioners are apprehending their arrest in connection with Barachatty P.S. Case No. 19 of 2024 registered for the offence punishable under Sections 8, 18 of the NDPS Act.

3. As per the prosecution case, opium plants were found to have been cultivated in a protected forest area and were subsequently destroyed. The petitioners, along with other co-accused persons named in the FIR, are alleged to have been involved in the cultivation of the said plants. The aforesaid

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information was received from a co-villager on the ground of anonymity.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It has further been submitted that the alleged opium plants were found in a protected forest area, which was not under the control of the petitioners and the petitioners have no concern with the said area from where the alleged opium plants were recovered. Referring to the counter affidavit filed by the Principal Chief Conservator of Forest, Bihar, pursuant to the order dated 08.07.2026, learned counsel has submitted that it has been admitted therein that the said forest area is situated in a remote, hilly and densely forested region of Gaya district, which had been affected by extremism a few years ago. It has further been admitted that the said area is situated close to the inter-State boundary with the State of Jharkhand and has difficult terrain, dense forest cover, limited road connectivity and security concerns, which make regular surveillance and patrolling extremely challenging. It has thus been submitted by learned counsel for the petitioners that the area is difficult to access and except a bare suspicion there is no material against the petitioners. It has further been submitted

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that no names of the persons who disclosed the involvement of the petitioners have been mentioned. It has also been submitted that the petitioners have been falsely implicated at the instance of local inimical persons. Moreover, the present FIR was lodged after a delay of about twenty days from the date of destruction of the alleged opium plants. Lastly, it has been submitted that the petitioners have clean criminal antecedent as stated in paragraph 3 of the bail petition.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Heard the parties and perused the record.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of material against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Gaya, in connection with Barachatty P.S. Case No. 19 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

8. This application stands allowed.

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9. It is directed that one of the bailors shall be close relative of the petitioners.

(Praveen Kumar, J)

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