

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58473 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- DHANGAI District- Gaya

Dara Manjhi @ Mahendra Mandal S/o Kailu Manjhi Resident of Village -
Chando, P.S.- Dhangai, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-03-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 8, 15,
18(c) & 25 of the N.D.P.S. Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that opium was found cultivated on 8.14 acres of forest
land and was destroyed, further on enquiry, local persons
disclosed the name of the accused persons including the
petitioner.

4. The learned counsel appearing on behalf of the
petitioner submits that the case was taken up on 15.11.2025,
when the learned APP was directed to file a counter affidavit. It



is further submitted that a counter affidavit has been filed. Learned counsel next submits that from perusal of the allegation as alleged in the FIR, it would manifest that opium was found planted on forest land. It is next submitted that it is the forest officials who indulged in farming of opium and when the fact comes to the notice of superior authority, innocent villagers living adjacent to forest area are implicated. It is further submitted that it absolutely does not stand to reason that how opium was cultivated on such large tract of forest land, when forest authority keeps surveillance over the forest areas, which amply demonstrates that opium was cultivated on forest land in connivance with the forest officials who are deputed to keep surveillance over the forest area on daily basis. It is further submitted that petitioner came to be implicated based on disclosure made by local villager but the name of the villager, who disclosed the name of the petitioner is not disclosed in the FIR, which casts an aspersion on the case of the prosecution, when petitioner has not been implicated based on secret information. It is also submitted that from perusal of the FIR, it would manifest that not a single forest official have been implicated in the instant case. It is submitted that bonafide of the informant could have been established had the forest official



who is deputed to keep surveillance over the forest area was also made an accused. It is reiterated and submitted that if the forest land was used for cultivation of opium, the same could not have been done without the connivance of forest official. It is next submitted that a counter affidavit sworn by the Senior Superintendent of Police, Gaya has been filed but then the counter affidavit also does not disclose the name of person who disclosed the name of petitioner and other accused persons.

5. At this stage, the learned APP submits that investigation in the case is continuing and if privilege of anticipatory bail is granted, the petitioner may abscond, on which, the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, 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.25,000/- (Rupees Twenty Five 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 Dhangai P.S. Case No.21/2024, subject to the



conditions as laid down under Section 482(2) B.N.S.S.

7. Further, one of the bailors of the petitioner shall be his father, namely, Kailu Manjhi.

8. 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 co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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