IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75839 of 2026

CNR No. BRHC011066182026

Arising Out of PS. Case No.-1 Year-2023 Thana- CHAKARANDHA P.S. District- Gaya

==========

Rajendra Saw Son of Dhaneshwar Saw R/o Village- Barha, P.S.- Chhakarbandha, District- Gayajee.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Brijmohan Das, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

==========

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-11-2026 Heard Mr. Akhilesh Kumar Pandey, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Chhakarbandha P.S. Case No. 01 of 2023 for the offence under sections 8(b), 18 and 29 of the NDPS, Act lodged on 19.01.2023 by the informant, Kuldeep Chauhan.

3. As per the prosecution story, the informant alleged that opium were found cultivated on 6.8 acres of protected forest land which was destroyed by the raiding party after keeping sample, the forest guard found some accused persons who roaming around the place which included the petitioner and as they fled away, the implication. This led to the FIR.

WEB COPY

4. Learned counsel for the petitioner submits that the allegation of 07.01.2023 but the F.I.R has been lodged on 19.01.2023 without giving any reason for such an inordinate delay. Further, the petitioner do not have criminal antecedent and only on suspicion the he was found roaming around, got implicated. The contention is that even the F.I.R shows that accused persons have been found roaming around but only the petitioner has been singled out which clearly show the malafide intention of the forest guard.

5. Learned APP opposes the prayer submitting that when the opium was being destroyed, the accused persons were roaming there and the forest guard identified the petitioner.

6. Taking into account the submissions of the parties aforesaid as also that the forest officials have not come forward with any plea as to how under their nose, the such opium cultivation took place despite the appointment/deputation of the forest guard, no reason has been given for delay of 12 days delay in lodging of the F.I.R and only on suspicion the petitioner has been name.

7. This Court has further taken note of the fact that the petitioner do not have criminal antecedent and has undertaken to cooperate in the investigation/diligently appear in the trial, in

WEB COPY

that background, it is inclined to extend him the privilege of anticipatory bail with conditions.

8. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

9. Let the petitioner 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) with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Spl. Judge, NDPS Act, Gaya Ji in connection with Chhakarbandha P.S. Case No. 01 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for six months to mark his

WEB COPY

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 petitioner 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 petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

10. Nothing recorded in the present order it will taken up at the time of trial as the same has been observed only for the purpose of grant of relief to the petitioner.

(Rajiv Roy, J)

munindra/-

U		T	

WEB COPY