

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87729 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- BARACHATTI District- Gaya

Birju Yadav @ Vikash Kumar Yadav S/o Mahadev Yadav Resident of Village-
Piprahi Harnahi, P.S.- Barachatti, District- Gayaji

... .. 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, Adv.
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP
For the NCB	:	Mr. Bindhyachal Rai, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-01-2026 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned Senior counsel appearing on behalf of the NCB Mr. Bindhyachal Rai.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 8(B), 18, 29 of NDPS Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that a team was constituted by the Department of Forest for destroying opium cultivation and 24.99 acres of forest land was cleared of opium cultivation on different dates, next alleges that on enquiry, local villagers disclosed the name of 16 accused



persons including the petitioner.

4. Learned counsel for the petitioner submits that petitioner is a persons with clean antecedent and has been falsely implicated in the instant case by the informant. It is next submitted that what is not in dispute rather stands admitted is that 24.99 acres of forest land was cleared of opium cultivation. It is next submitted that it is the duty of the authorities of the forest to ensure that forest is clean but then the forest officials instead of keeping the forest clean are indulging in cultivation of opium and when information reaches, the higher authorities FIR of the nature as alleged is instituted. It is submitted that the FIR does not even remotely discloses that as to who disclosed the name of the accused persons including the petitioner that they were involved in opium cultivation over forest land. It is also submitted that it does not appear probable that on such large tract of forest land, the opium could have been cultivated without the connivance of the forest authorities.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the NCB opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned Court below 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.83/2025, subject to the conditions as laid down under Section 482(2) B.N.S.S.

(Satyavrat Verma, J)

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