

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9600 of 2018

Arising Out of PS.Case No. -8 Year- 2017 Thana -PURUSHOTTAMPUR District-
WESTCHAMPARAN(BETTIAH)

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Makhu Gaddi @ Makhkhu Gaddi, Son of Islam Gaddi, Resident of Village
– Babuiyan Gadiyani Tola, Police Station – Palanawa, District – East
Champaran at Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Sri Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 17-02-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 20,
22 and 23 of the NDPS Act.

The prosecution case got initiated with the
written report of Ajay Kumar Rajak, Commandant of SSB,
Narkatiaganj Office is to the effect that on 19.02.2017 at 11.30
A.M. informant received by the SSB, Narkatiaganj Office that
one person is carrying charas from Nepal to Narkatiaganj,
thereafter the informant along with raiding team reached near
Bahuarwa More at 1.00 P.M. and intercepted one person with a
bag. The bag was containing six packets of charas weighing 3
kg. who disclosed his name as Jaiprakash Kumar, who suggested



that he was taking the contraband to one Wazir having Mobile No. 9162352639. Subsequently the said mobile was found to be used by one Majrul Gaddi (the petitioner), who during investigation suggested that the said mobile was being used by the petitioner also.

It is submitted by learned counsel for the petitioner that on the basis of the use of mobile the petitioner has been roped in the present case and there is no recovery from the possession. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Mr. J.N. Thakur, learned APP submits that the name of the petitioner sprang up on the confession of co-accused but fairly submits that there is no recovery from the petitioner.

Considering the fact that the recovery has not been made from the petitioner and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Sessions Judge, West Champaran at Bettiah in connection with Purushottampur P.S. Case No. 08 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner will be accepted by the learned Court below on filing affidavit that the petitioner will co-operate in the investigation. The non-cooperation in investigation will give liberty to the investigating agency to file application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

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