

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10176 of 2022**

Arising Out of PS. Case No.-97 Year-2021 Thana- SIKTA District- West Champaran

Mumtaz Gaddi @ Bagga Gaddi Son of Subedar Gaddi Resident of Village-
Sadakiya Tola, Ward No. 10, P.S. Balthar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 09-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Sikta P.S.
Case No. 97 of 2021 registered for the offence under Sections
20, 22, 23 and 27 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.09.2021.

The allegation against the petitioner is to carry a total
of 8.300 Kg of Ganja on motorcycle.

Learned counsel appearing on behalf of the petitioner
submitted that the allegation against the petitioner is to drive the
motorcycle which was loaded with alleged Ganja. It has further



been pointed out that from the seizure list itself, it can be safely gathered that recovery has not been made from the conscious possession of the petitioner. It has also been submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that recovery has not been made from the conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious possession of the petitioner coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Sikta P.S. Case No. 97 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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