

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37 of 2024

Arising Out of PS. Case No.-278 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

AMIN GADI @ AMIN GADDI S/o Bulla Gaddi R/o Village-Babuiya, P.S.-
Palanwa, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Trial
No. 35/2021, arising out of Kuchaikote P.S. Case No.278/2021,
registered for the offences punishable under Sections 20(B)
(II)©, 23, 25 and 29 of the N.D.P.S. Act.

3. Learned counsel for the petitioner submits that this
is the fourth attempt of the petitioner to seek regular bail. It is
also submitted that petitioner is in custody since 04.07.2021. It
is next submitted that no doubt the case has been registered
under N.D.P.S. Act, wherein it is alleged that about 160
kilograms of ganja was recovered from a vehicle, which
belonged to co-accused Perwej Alam. It is next submitted that
the petitioner was not arrested from the vehicle rather the



informant alleges that while fleeing the petitioner was apprehended. It is next submitted that the petitioner was a mere on-looker on the road when the informant along with the force had intercepted the car but then he also came to be implicated. It is further submitted that petitioner is a person with clean antecedent.

4. The case was taken up on 05.01.2024 when a report was called for from the learned trial court with respect to the stage of the case and from perusal of the report of 1st Additional Sessions Judge, Gopalganj, it would manifest that the same records that the case is pending for framing of charge. It is also recorded in the report that an application under section 227 Cr.P.C. has been filed on behalf of the accused persons seeking discharge, which is pending adjudication.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner on the ground that on one hand the petitioner is seeking bail on the ground that he is in custody for more than two and half years while on the other hand the charges till date has not been framed as the apprehended accused have filed an application seeking discharge under section 227 Cr.P.C.

5. Considering the submissions made by the learned



APP, the court is not inclined to release the petitioner on bail.

6. Accordingly, the bail application of the petitioner stands rejected.

7. In the event if the charges are framed against the accused persons in that event the petitioner would be at liberty to renew his prayer for bail.

(Satyavrat Verma, J)

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