

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26181 of 2015

Arising Out of PS.Case No. -26 Year- 2014 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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1. Ram Gyan Prasad @ Mukhiya Ji @ Ram Dhyan Prasad Son of Late
Lalbabu Prasad resident of village & P.S. Bishambharpur, District -
Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through Economic offence Unit, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate.

For the E.OU : Mr. U.N.P..Singh, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 13-10-2015 Heard the learned counsel for the petitioner as well as
the learned Special P.P. for the Economic Offence Unit.

The petitioner seeks bail in a case for the offences
punishable under sections 8/20 (B) (III)/29 of Narcotic Drugs and
Psychotropic Substance Act.

Allegedly, acting on a tip off the truck bearing No.
HR-38-L-1824 was intercepted and the driver was apprehended.
On search from the said truck total 51 packets weighing 232 kg.
100 grams Ganja was recovered kept concealed in hidden cells.
Some documents relating to the alleged truck, national permit and
mobile phone were also recovered and on query the driver
disclosed that the seized Ganja belongs to the petitioner. The
driver gave the mobile number of the petitioner also.



Submission is of false implication and that only on the basis of alleged disclosure made by the driver the petitioner has been apprehended resulting he is suffering in custody and he has got no criminal antecedent. The statement of independent seizure list witness contradicts the allegation made in the F.I.R. The driver has not stated that he has talked with the petitioner during carrying the said Ganja. The details of telephonic conversation only states regarding telephone call from the mobile of the petitioner with the truck driver and the petitioner for the purpose of supplying the sugarcane to the sugar cane factory in Gopalganj and for that the petitioner had contacted one Hasindra Yadav who deals with the business of running trucks and the said Hasindra Yadav gave the number of truck and then the petitioner made the said phone calls to him asking his whereabouts for the purpose of supplying his sugarcane to the sugar mill factory. The petitioner is suffering in custody since 05.03.2015. Charge sheet has already been submitted and there is no chance of absconding or tampering with the prosecution evidence.

The learned Special P.P. for Economic Offence Unit opposes prayer for bail by submitting that the petitioner has also confessed his guilt vide paragraph-66 of the case diary and he was in direct contact with the driver and has talked several times with the driver from 21.04.2014 to 28.04.2014 making seven calls. In

presence of the witnesses the driver has stated the name of the petitioner and has also furnished his mobile number. The co-villager of the petitioner has stated that the petitioner is dealing in such business.

In the facts and circumstances as stated above, considering that the petitioner was not caught in the said truck and his name has transpired in the statement of co-accused, the driver, and the confessional statement made before the police is not the legal and cogent evidence and as such considering detention of the petitioner now he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-VI, Patna in Special Case No. 39 of 2014 arising out of Economic Offences P.S. Case No. 26 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

Abhay/-

(Jitendra Mohan Sharma, J)

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