

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27249 of 2015

Arising Out of PS.Case No. -17 Year- 2014 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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1. Ram Vivek Singh Son of Late Heera Singh resident of Mohalla -
Chandani Chowk, P.S. Brahmpura, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance, Economic offences Unit, Bihar,
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh, Sr. Advocate
Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Vishwanath Pd.Singh(Eou), Sr. Advocate
Mr. Vijay Anand

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

7 14-12-2015 Heard learned Sr. Counsel for the petitioner and
learned Sr. Counsel representing the State.

The petitioner seeks bail in connection with
Economic Offences Case No. 17 of 2014 registered for the
offences punishable under Sections 20(b) (1), 23, 29 of Narcotic
Drugs & Psychotropic Substances Act and Sections 414, 420, 467,
468, 471, 472 of the Indian Penal Code.

Allegedly, three persons were apprehended from
truck No. BR06-GA-2089 and 673 Kg and 900 grams Ganja was
recovered from that truck. Further papers were seized from which
it reveals that the co-accused Pramod Paswan is the owner and
from other paper it reveals that Sher Bahadur Yadav is the owner

and the accused persons disclosed that the said Ganja and truck is of Pramod Paswan and the petitioner and they further disclosed that the truck was looted by Pramod Paswan and petitioner with their associates 10 days ago.

Submission is of false implication and that the petitioner was not apprehended from the said truck rather his name has come in the confessional statement of co-accused, nothing has been recovered from his conscious possession or from the house of the petitioner. During investigation only on the basis of call details it is being said that the said Ganja and truck are of Pramod Paswan and the petitioner. The petitioner was in contact with other co-accused but it does not reveal that the petitioner has got any concern with the said truck and the Ganja. The petitioner is suffering in custody since 07.07.2014, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned Sr. Counsel representing Economic Offences Unit opposes the prayer of bail and submits that the petitioner has got criminal antecedent as he is involved in three cases of N.D.P.S. Act and during investigation it has come that all the 5 FIR named accused persons were in contact with each other at the time of carrying Ganja which is evident from paragraph 170 of the

case diary and further it has also come that the truck was looted by the petitioner and his associates and was used for carrying the Ganja.

In the facts and circumstances stated above, considering that in this case no Ganja has been recovered from possession of the petitioner or from his house. The alleged call detail does not reveal that the petitioner was the owner of the said Ganja and for looting the truck another case is going on and as such the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum- Special Judge, N.D.P.S., Patna in connection with Spl. Case No. 22 of 2014 arising out of Economic Offence Case No. 17 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.

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(Jitendra Mohan Sharma, J)