

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11288 of 2015

Arising Out of PS.Case No. -20 Year- 2014 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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Vidya Nand Jha @ Jay Nand Jha S/o- Late Parmeshwar Jha, R/v- Bedaul,
P.S.- Nanpur, Distt.- Sitamarhi permanent resident of village- Akharaghat,
Muzaffarpur, P.S.- Akharaghat, Distt.- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.12525 of 2015

Arising Out of PS.Case No. -20 Year- 2014 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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Lorik Rai, S/o Rajendra Rai, R/o Villagage – Sabalpur Nawaltola, P.S.
Sonapur, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar &
2. The Economic Offence Unit of Bihar.

.... Opposite Party/s

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Appearance:

(In Cr.Misc. No.11288 of 2015)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

(In Cr.Misc. No.12525 of 2015)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 21-05-2015

Heard both sides.

Vidya Nand Jha @ Jay Nand Jha, petitioner in Cr.

Misc. No. 11288/2015, and Lorik Rai, petitioner in Cr. Misc. No.

12525/2015, seek regular bail in Economic Offence P.S. Case No.

20 of 2014, corresponding to Special Case No. 27 of 2014 / 35 of

2014, registered under Sections 414, 420, 467 and other sections of the Indian Penal Code and Section 20(B)(I), 23, 29 of the N.D.P.S. Act.

The informant got secret information and, on such, a raiding team was constituted. On 28.03.2014, at about 12:15 in night, the informant spotted a TATA 407 vehicle, bearing registration no. WB41A/7089, and on search, 183 Kg. Ganja was recovered. Immediately thereafter, one SUMO vehicle, bearing registration no. BR-29-B/6537, was also spotted, and on search, 50 Kg. Ganja was recovered from the SUMO vehicle. Petitioners Lorik Rai and Vidya Nand Jha @ Jay Nand Jha were apprehended from the SUMO vehicle. Learned counsel for the petitioners submits that nothing was recovered from the possession of the petitioners. The petitioners had no knowledge about concealment of Ganja in the vehicles. Petitioner Lorik Rai is the co-villager of Suresh Rai, the owner-cum-driver of the SUMO vehicle. Petitioner Vidya Nand Jha @ Jay Nand Jha is simply a passenger and he is a truck driver and he took lift in the SUMO vehicle. It is submitted that the provision of Section 50 of the N.D.P.S. Act has not been strictly followed. The petitioners are in jail for more than a year.

On the other hand, Sri Vishwanath Prasad Singh and

Sri Akhileshwar Prasad Singh, learned Senior Counsels, opposed the prayer for bail and submitted that commercial quantity of Ganja was recovered from both the vehicles. The petitioners were apprehended while carrying Ganja. They are members of the gang which is indulged in carrying Ganja from one State to another. The prayer for bail of similarly situated co-accused, namely, Pappu Kumar Singh, Bijay Kumar Singh, Rajeshwar Rai @ Rajesh Kumar, Suresh Kumar @ Suresh Rai and Babloo Singh @ Dharmveer Kumar Singh, have already been rejected.

Having considered the facts that the petitioners along with other accused persons were carrying huge quantity of contraband Ganja, duly concealed in TATA 407 as well as SUMO vehicle, and they were intercepted and the prayer for similarly situated co-accused have already been rejected, I am not inclined to enlarge the above named petitioners on bail in Economic Offence P.S. Case No. 20 of 2014, corresponding to Special Case No. 27 of 2014 / 35 of 2014. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within one year from the date of receipt / production of a copy of this order.

(Prabhat Kumar Jha, J)

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