

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23506 of 2015

Arising Out of PS.Case No. -13 Year- 2012 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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Avinash Kumar Son of Sunil Kumar Jaiswal resident of Mohalla and P.S.
Jakkanpur, District - Patna

.... Petitioner/s

Versus

The State of Bihar through Economic Offences Unit, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Brahma Deo Prasad, Adv.
For the E.O.U. : Mr. Akhileshwar Prasad Singh, Sr. Adv.
Mr. Rajeev Ranjan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 01-09-2015 Heard learned counsel for the parties.

2. Having regard to the nature of allegation for offence under Sections 20(b)(I) (II) (C), 21, 23, 29 of the N.D.P.S. Act and the fact that a substantial amount of Charas has been recovered from the conscious possession of the petitioner, this Court, even on an earlier occasion, by order dated 1.10.2013 in Cr. Misc. No. 28697 of 2013 had straightway rejected the prayer for bail of the petitioner and the same prayer was again rejected on 24.09.2014 in Cr. Misc. No. 8349 of 2014 in view of the report of the trial court this Court would not be inclined to grant bail to the petitioner specially when the learned counsel for the petitioner has admitted that 11 witnesses out of 23 have been examined.



3. The only thing which will appear to this Court is that on earlier occasion, there was an adverse report of the trial court on the basis of which learned counsel for the petitioner had sought not to press the bail application because the report of the court below dated 16.8.2014 had gone to indicate that there were clear laches on the part of the defence in cross-examining the prosecution witnesses. That is how, learned counsel for the petitioner, on the earlier occasion, had sought not to press the earlier bail application on 24.09.2014 and the same was dismissed as not pressed without giving any leave to the petitioner to file a fresh bail application.

4. Filing of repeated bail applications wherein no fresh and new material has emerged is out and out misuse of the process of the Court. If an accused wants, he can file a bail application everyday but, then, will not be a reason for this Court to take a different view.

5. Thus today, when this Court would find that that 11 witnesses have already been examined and Mr. Akhileshwar Prasad Singh, learned senior counsel for the E.O.U. has also assured this Court that the remaining 12 witnesses of the prosecution shall be examined within a period of four months from the date of receipt of this order, the present bail application is

disposed of with a direction to the trial court to ensure that the trial is concluded within a period of six months from the date of receipt of this order.

6. With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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