

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26226 of 2016

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.- Nanpar, 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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Appearance:

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-12-2016

Heard both sides.

The petitioner seeks bail in Special Case No. 27/2014, arising out of Economic Offence P.S. Case No. 20 of 2014, registered under Sections 414, 420, 467, 468, 471, 472, 34 of the Indian Penal Code and Sections 20(B)(I), 23, 29 of the N.D.P.S. Act.

Sri Vijay Kumar Sinha, learned counsel for the petitioner, submits that the prayer for bail of the petitioner was earlier rejected vide order dated 21.05.2015 passed in Cr. Misc. No. 11288/2015. It is submitted that the police got information about carrying of Ganja in TATA 407 vehicle. The petitioner was travelling in TATA SUMO vehicle. The police had no secret information about TATA SUMO in which the petitioner was



travelling. It is submitted that TATA SUMO also stopped behind the TATA 407 vehicle. While the informant and other police officials were searching TATA 407, on mere enquiry the driver and Vidya Nand Jha (the petitioner) were apprehended and false recovery of 50 packets (50 Kg.) of Ganja was shown. The petitioner has got no criminal antecedents but it appears that the police while searching TATA 407, the vehicle of the petitioner also came behind that vehicle and, on search, 50 Kg. of Ganja was recovered from TATA SUMO vehicle also. The petitioner was sitting in the aforesaid vehicle.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail in Special Case No. 27/2014, arising out of Economic Offence P.S. Case No. 20 of 2014. Accordingly, the same is rejected.

The petitioner is in jail since 30.03.2014. The petitioner has already remained in jail for more than 2½ years but the report of the trial judge shows that only one prosecution witness has been examined although the trial judge was directed to expedite the trial and conclude the same within one year from the date of receipt / production of that order. This fact itself shows that the trial court has not made any effort to conclude the trial in pursuance of the order dated 21.05.2015. The trial judge is



directed to hold the trial on day-to-day basis and conclude the same within six months from the date of receipt / production of this order.

The Senior Superintendent of Police, Muzaffarpur is directed to ensure attendance of the non-examined prosecution witnesses of Special Case No. 27/2014, arising out of Economic Offence P.S. Case No. 20 of 2014 on the date fixed in the court of the learned Additional District and Sessions Judge VI, Patna so that the trial must be concluded within six months.

The trial judge is directed to inform this Court if on any date the Senior Superintendent of Police, Muzaffarpur fails to procure the attendance of any prosecution witness and causes delay in trial of the case.

(Prabhat Kumar Jha, J)

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