

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19209 of 2017

Arising Out of PS. Case No.-2 Year-2016 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Swaraj Kumar Shukla, son of Krishna Mohan Shukla, resident of Village-
Jamo Jalalpur, Police Station- Jamo Bajar, District- Siwan.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Adv.

For the Opposite Party/s : SRI S. EHTESHAMUDDIN, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-09-2017 Heard learned Counsels appearing on behalf of the
petitioner and the State.

The petitioner has renewed the prayer for bail in connection with a case registered for the offences punishable under Sections 8, 20(b) (ii) (c), 25 and 29 of the Narcotics Drugs and Psychotropic Substances Act.

The petitioner had earlier preferred Criminal Miscellaneous No. 35507 of 2016 with a prayer for regular bail, which was dismissed vide order dated 24.08.2016, considering the commercial quantity of recovery.

Prosecution case is that on secret information received by Rajesh Narayan Verma, Police Inspector, Economic Offence Unit, Patna, that ganja was being smuggled in two vehicles, one



Tata Sumo Gold vehicle was intercepted and from the said vehicle, 60 K.g. ganja concealed in different parts of the vehicle was recovered. The vehicle was being driven by co-accused Santosh Yadav and the petitioner was the co-passenger.

It is submitted by learned Counsel appearing on behalf of the petitioner that the petitioner was simply a *bona fide* passenger of the said vehicle and the petitioner was not aware about the ganja, which was kept in the vehicle. Statement has been made in para 3 of the petition that the petitioner is having clean antecedent. It is further submitted that there is no likelihood of trial being concluded in near future and the charges have been framed on 31.08.2017, only after a report was called by this Court vide order dated 16.08.2017, with regard to the status of the trial

It is submitted by learned Sr. Counsel appearing on behalf of the Economic Offence Unit that commercial quantity of ganja was recovered. The petitioner was the second driver of the vehicle and there was no occasion for the petitioner to travel in the vehicle, in which the ganja was being smuggled and his driving license was also seized.

Perused the report of the learned 1st Additional Sessions Judge, Patna, received through Letter No.164, dated



01.09.2017, which reflects that though charges were framed on 31.08.2017, but the trial is likely to be concluded within a period of four months.

In view of the bar prescribed under Section 37 of the Narcotics Drugs and Psychotropic Substances Act and recovery of commercial quantity of ganja, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner in connection with Economic Offence Police Station Case No. 02 of 2016, pending before the Additional Sessions Judge-I, Patna, is rejected.

It is expected from the Economic Offence Unit to produce the witnesses without any delay, since the petitioner is languishing in custody since 08.04.2016.

However, the petitioner will be at liberty to renew the prayer for bail if the trial is not concluded within the time frame of four months, as is stipulated in the report of the learned Trial Court.

(Dinesh Kumar Singh, J)

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