

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43283 of 2017

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

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Suresh Kumar @ Suresh Rai, son of Shri Prabhu Rai, resident of village-
Sabalpur (Naival Tola), Police Station- Sonpur, District- Chhapra.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Sudha Ambastha, Advocate

For the Opposite Party/s : Mr. Vishwanath Prasad Sinha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

- 3 29-11-2017 Heard learned counsel for the petitioner and learned
counsel appearing for the Economic Offence Unit.

The petitioner seeks bail in a case arising out of
Economic Offence P.S. Case No. 20 of 2014 registered under
sections 414, 420, 467, 468, 471 and 472 read with Section 34 of
the Indian Penal Code and Sections 20(b)(ii)(C), 23 and 29 of the
Narcotic Drugs and Psychotropic Substances Act. His prayer for
bail was earlier rejected by this Court vide order dated 22.09.2014
passed in Cr. Misc. No.38894 of 2014.

It is submitted by the learned counsel for the petitioner
that though thirteen persons are named witnesses in the charge-
sheet submitted before the court, till date only two witnesses have



been examined on behalf of the prosecution. She submitted that since 16.06.2017 no witness has turned up before the trial court to depose in the case. She contended that the petitioner has got no criminal antecedent and is ready to furnish bond to the satisfaction of the court.

On the other hand, learned counsel appearing for the Economic Offence Unit submitted that the offence alleged is serious in nature and the prosecution is taking effective steps in order to produce witnesses before the trial court. He submitted that since 01.08.2017 the court is lying vacant and, thus, there is no fault on the part of the prosecution in producing its witnesses.

I have heard learned counsel for the parties and perused the record.

It appears that the offence alleged is quite serious. However, there is no denial of the fact that the petitioner is in custody since 30th March, 2014 and till date only two witnesses have been examined by the prosecution.

Considering the fact that there is no likelihood of conclusion of trial in near future, petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Patna in



connection with Special (NDPS) Case No.27 of 2014 arising out of Economic Offence P.S. Case No.20 of 2014 subject to the following conditions:-

- (a) the petitioner shall not influence the witnesses or tamper with any document;
- (b) at the time of furnishing the sureties, the petitioner shall furnish his address to the Court and shall not change his address till the final disposal of the case or till further orders in that regard;
- (c) the petitioner shall not leave the limits of India without prior permission of the trial court;
- (d) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
- (e) the petitioner shall not do any act prejudicial to the interest of the prosecution;
- (f) one of the sureties must be a Government servant/elected people's representative of Panchayat/Municipality and the other shall be a close relative; and
- (g) the petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move the Court for cancellation of bail.

(Ashwani Kumar Singh, J)

Md.S./-

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