

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53744 of 2017**

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

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1. Dharamveer Kumar Singh @ Babloo Singh Son of Sri Uma Shankar Prasad Singh, R/o Village- Pakhanahan Shriram, P.S.- Minapur, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar Through The Economic offences Unit of Bihar, Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

5      07-02-2018                      Heard learned counsel for the petitioner as well as learned Special Public Prosecutor for the State of Bihar through Economic Offences Unit.

Petitioner and some other were caught in a truck from which in huge quantity, packets of Ganja were recovered and at that time some other persons were caught from Tata Sumo from which also the packets of Ganja were recovered. Accordingly, petitioner and others were remanded on 27.03.2014 and since then they are languishing in jail custody.

Earlier, petitioner moved twice before this Court for grant of bail but did not get favour by this Court and, accordingly, his prayer for bail was twice rejected.



However, one co-accused Suresh Kumar filed Cr. Misc. No. 43283 of 2017 for grant of bail and he was allowed bail by a co-ordinate Bench of this court vide order dated 29.11.2017 passed in Cr. Misc. No. 43283 of 2017, taking note of his long detention in jail custody as well as stage of trial. Furthermore, Annexure-5 goes to show that another accused, namely, Vidya Nand Jha filed Cr. Misc. No. 26226 of 2016 for grant of bail but his prayer for bail was turned down by a Co-ordinate Bench of this Court and directed the trial court to expedite the trial of the petitioner on day to day basis and conclude the same within six months.

The learned trial court has sent a report vide letter no. 17 dated 06.01.2018 mentioning therein that up till now only two prosecution witnesses could be examined. It is pertinent to note here, that while passing the order dated 29.11.2017 in Cr. Misc. No.43283 of 2017 a co-ordinate Bench of this Court had noticed that till that date also only two witnesses had been examined by the prosecution. Therefore, the aforesaid fact goes to show that there is no substantial progress in the trial of the petitioner and other accused even after specific direction of this Court.

Moreover, the petitioner is in jail custody since long and there is no substantial progress in the trial of the petitioner and



having, more or less, similar allegation co-accused, Suresh Kumar has already been granted privilege of bail by a co-ordinate Bench of this court and, accordingly, above named, petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I cum Special Judge, N.D.P.S, Patna in connection with Special Case no. 27 of 2014 arising out of Economic Offences P.S.Case No. 20 of 2014, subject to condition:-

- (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.

**(Hemant Kumar Srivastava, J)**

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