

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6156 of 2018

Arising Out of PS.Case No. -13 Year- 2015 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

- =====
1. Chandan Rai, Son of Late Ramanand Rai,
 2. Arjun Paswan @ Arjun Kumar Rai, Son of Late Ramnath Paswan @
Ramnath Rai, Both resident of Village- Bishunpur, P.S.- Goraul,
District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Inspector General through Economic Offence, Department, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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

ORAL ORDER

03/ 11-04-2018

Heard Mr. Aditya Nath Pandey, learned

counsel for the petitioner and Mr. V.N.P. Sinha, learned Senior
counsel for the Economic Offence Unit.

The prosecution case is that the complainant
Ramanand Choudhary, an officer of the Directorate of Revenue
Intelligence, Patna received an information with regard to
transportation of ganja when a Tata 407 vehicle bearing
Registration No. BR-31-5751 was intercepted at Mahatma Gandhi
Setu on 18.07.2015 at 1.30 P.M. Two persons namely, Chandan
Rai, driver of the vehicle and Arjun Paswan @ Arjun Kumar Rai,
cleaner, were apprehended, who have renewed their prayer for bail
before this Court. The vehicle was taken to Regional unit of



D.R.I., Arya Samaj Mandir Road, RPS More, Bailey Road, Danapur, Patna. Seizure list was prepared when 242.20 kilograms of ganja was recovered.

Learned counsel for the petitioners submits that the petitioners are languishing in custody since 18.07.2015. The recovery is not from the conscious possession of the petitioners. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Mr. V.N.P. Sinha, learned Senior counsel for Economic Offence Unit submits that five witnesses have already been examined and only two witnesses are left to be examined and the recovery of the ganja is of commercial quantity. Hence, in view of the embargo under Section 37 of the NDPS Act, bail cannot be granted to the petitioners.

The report of learned Additional District & Sessions Judge-I, Patna dated 03.04.2018 reflects that the trial will be concluded within a period of two months.

Considering the fact that the trial is on the verge of conclusion, this Court is not inclined to revise the earlier order dated 09.03.2016 passed in Cr. Misc. No. 11384 of 2016, whereby the prayer for bail of the petitioners was rejected in connection with Special Case No. 15 of 2015.



However, it is expected from the learned Additional District & Sessions Judge-I, Patna to make all efforts to conclude the trial within the time frame transmitted to this Court.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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