

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43800 of 2018

Arising Out of PS. Case No.-21 Year-2014 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Indrajeet Singh Son of Santosh Singh@ Santosh Singh Resident of Mohalla-
House No. 258, Bichig Nagar, P.S. Murado, District- Ludhiana (Panjab).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rajive Singh, Advocate
For the Opposite Party/s :	Mr. Smt. Meena Singh, APP
For Economic Offences Unit :	Mr. Akhileshwar Prasad Singh, Sr. Advocate
	Mr. Vijay Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-11-2018 Heard Mr. Jay Ram Prasad, learned counsel for the

petitioner and Mr. Akhileshwar Prasad Singh, learned Senior

Counsel for the Economic Offence Unit.

This is the 3rd attempt by the petitioner with a prayer
for bail in a case registered for the offences punishable under
Sections 20B(I), 23 & 29 of the Narcotic Drugs and
Psychotropic Substances Act.

The prayer for bail of the petitioner was rejected in
first round vide order dated 04.08.2015 passed in Cr. Misc. No.
39783 of 2014 by a co-ordinate Bench of this Court (since
retired) and thereafter in second round, the matter was registered
as Cr. Misc. 13896 of 2016, wherein, this Court rejected the
prayer for bail on the ground of recovery of commercial



quantity of the contraband. However, this Court directed learned A.D.J.-VI, Patna (Special Court of Economic Offences) to conclude the trial expeditiously.

The prosecution case is that Md. Moqem, being the Dy.S.P.-cum- S.H.O. of Economic Offences Unit received a secret information about the transportation of Ganja upon which raid was laid and a truck bearing Registration No. HR 55D/6187 was intercepted, wherein apart from the driver, three persons were found sitting in the truck, who disclosed their names as Balraj Singh (driver), Indrajeet Singh (petitioner) and co-accused Pramod Paswan. On search being made, 51 bags of Ganja were recovered from the chamber behind cabin of the truck total weighing 537 kgs.

It is submitted by learned counsel for the petitioner that the driver disclosed the name of the owner of the truck as Sanjay Singh. It is further submitted that the petitioner is a Punjabi Folk singer and he, being the co-villager of the driver, was travelling in said vehicle as a passenger and had no knowledge about the Ganja being transported in the vehicle. The petitioner is languishing in custody since 03.04.2014 and a statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. It is further submitted that



in spite of the specific direction of this Court for expediting the trial, out of 15 witnesses, only 5 witnesses have been examined and there is no likelihood of trial being concluded in near future.

It is submitted by Mr. Akhileshwar Prasad Singh, learned Senior Counsel appearing for the Economic Offences Unit that commercial quantity of Ganja were recovered from the truck in which the petitioner was found sitting with the driver. It is further submitted that the petitioner claims to be a co-villager of the driver and thereafter it can be safely be presumed that petitioner had the knowledge of Ganja being transported in the said truck. Moreover, a counter affidavit has been filed with a statement to the effect that within four months all prosecution witnesses would be examined within four months.

Considering the rival submissions of the parties, it appears that this Court vide order dated 29.08.2018 called for a report from the learned trial Court as in what circumstances the trial has not concluded, despite the direction given by this Court since the petitioner is languishing in custody for more than four years and the stipulated time frame for concluding the trial was asked. Consequently, report dated 10.09.2018 was transmitted by learned Additional District & Sessions Judge-III -cum-Special Judge, CBI-II, Patna to the effect that out of 15



witnesses, only 5 witnesses have been examined and adjournments have been taken by the defence. However, if both sides co-operate, the trial will be concluded within one year.

From the report of the learned trial Court and the counter affidavit filed on behalf of the prosecution, it does not appear as what steps have been taken for producing the witnesses which suggests the casual manner in which the trial Court is proceeding in a case under NDPS Act and the cases related to the NDPS Act are not being concluded expeditiously.

Considering the commercial quantity of recovery of the contraband and in view of the embargo for grant of bail under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner in connection with Special Case No. 31 of 2014, arising out of Economic Offence P.S. Case No. 21 of 2014.

Accordingly, the prayer for bail of the petitioner is rejected.

However, it is expected from the learned trial Court not to give adjournment to either side and if the prosecution fails to produce the witnesses on the date fixed, appropriate orders be passed including imposing cost against the prosecution and since the prosecution has filed affidavit making



specific statement with regard to examination of prosecution witnesses in paragraph 7, which reads as follows:-

“That it is stated that as per the latest information furnished by the learned Public Prosecutor, NDPS, EOU, Bihar, Patna it has been apprised to the Economic Offences Unit that within four months it is most likely that all the prosecution evidences would be examined.”

Let the trial be concluded within four months after the production of all the prosecution witnesses.

However, if the trial is not concluded within a period of eight months, the petitioner will be at liberty to renew the prayer for bail.

In the circumstances, strict order will be passed against the prosecution. The learned trial Court will fix the responsibility for not concluding the trial in time.

(Dinesh Kumar Singh, J)

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