

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46636 of 2017

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

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1. Vidya Nand Jha @ Jay Nand Jha S/o - Late Parmeshwar Jha R/v -
Bedaul, P.S. - Nanpur, Distt. - Sitamarhi permanent resident of village -
Akharaghat, Muzaffarpur, P.S. - Akharaghat, Distt. - Muzaffarpur.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

Mr. Satyendra Kumar Bhatnagar

For the Opposite Party/s : Mr. Sri Lalan Kumar

Mr. Akhileshwar Prasad Singh, Sr. Advocate

Mr. Vijay Anand, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

6 07-02-2018 Heard both sides.

The petitioner seeks bail in Special Case No.27 of 2014,
Economic Offence P.S. Case No.20 of 2014 registered under
Sections 414, 420, 467, 468, 471, 472, 34 of the Indian Penal
Code and 20(B)(1), 23, 29 of the N.D.P.S. Act.

The learned counsel for the petitioner submits that the
prayer for bail of the petitioner was earlier rejected vide order
dated 21.5.2015 passed in Cr. Misc. No.11288 of 2015 and vide
order dated 07.12.2016 passed in Cr. Misc. No.26226 of 2016.
The trial Court was directed to expedite the trial and conclude the



same within one year from the date of receipt / production of a copy of the order. But even after lapse of more than one year, the trial could not be concluded. The Special Judge reported that only two prosecution witnesses out of thirteen were examined on 4.9.2015 and 13.09.2015.

It appears that the trial Court as well as S.P., Economic Offences Unit was also directed to assure the presence of all the prosecution witnesses, but no step has been taken either by the trial Court or by the S.P. Economic Offences Unit to get the trial concluded within the stipulated period. Mr. Vijay Kumar Sinha further submits that Suresh Kumar @ Suresh Rai, one of the co-accused has already been granted regular bail on the ground that he remained in jail since 30.03.2014 and there is no chance of conclusion of trial. Hence the petitioner may be enlarged on bail.

Mr. Akhileshwar Prasad Singh, learned senior counsel appearing on behalf of the Economic Offence Unit submits that 50 packets ganja was recovered from the vehicle of the petitioner. Mr. Singh further submits that let the trial of the case be concluded within three months from the date of receipt of this order.

Considering the facts aforesaid that about 183 k.g. ganja from the custody of Tata 407 vehicle was recovered and from the Sumo vehicle in which the petitioner was traveling 50 packets



each containing 1 k.g. ganja, i.e., total 50 k.g. ganja was recovered. Commercial quantity of ganja was recovered from the possession of the vehicle in which the petitioner was traveling. Hence, I am not inclined to grant the petitioner on bail. Accordingly, the same is rejected.

The trial Court is directed to hold the trial on day-to-day basis and conclude the same within three months from the next date fixed in the case. If the Economic Offence Unit fails to produce any witness on any fixed date, the trial Judge shall report this matter to this Court. If the trial is not concluded within three months, the petitioner, if so, advised may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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