

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20918 of 2019

Arising Out of PS. Case No.-26 Year-2014 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Mannu Kumar Dubey, aged about 29 years, Male, Son of Madan Dubey,
Resident of village- Bankatwa, P.S.- Paharpur, District- East Champaran.

... .. Petitioner

Versus

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

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Gupta
For the Opposite Party/s : Mr. Narendra Kumar Singh

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

ORAL ORDER

3 28-08-2019 Heard learned counsel appearing for the petitioner as

well as learned counsel appearing for Economic Offence Unit,

Bihar, Patna.

Earlier, the bail prayer of the petitioner was rejected
by this court, vide order, dated 12.09.2018, passed in Cr. Misc.
No. 54717 of 2018, directing the trial court to expedite the trial
of the petitioner and try to conclude the same as early as
possible even by taking the trial of the petitioner on day-to-day
basis. Furthermore, by the above stated order, dated 12.09.2018,
the Superintendent of Police, Economic Offence Unit, Bihar,
Patna was directed by this court to ensure the presence of
prosecution witnesses of Special Case No. 39 of 2014 arising



out of Economic Offence P. S. Case No. 26 of 2014 before the learned trial court within a month.

This court finds that the trial court as well as the Superintendent of Police, Economic Offence Unit, Bihar, Patna did not take the order of this court seriously, as the trial of the petitioner is still pending before Additional Sessions Judge-IIIrd, Patna.

Learned Additional Sessions Judge-IIIrd, Patna, vide letter no. 97, dated 23.04.2019 reported that the charge against petitioner was framed on 09.08.2016 and out of 18 proposed prosecution witnesses, six prosecution witnesses could be examined till 23.04.2019. The learned Additional Sessions Judge-IIIrd, Patna further reported that earlier, the record of Special Case No. 39 of 2014 was pending in the court of Additional Sessions Judge-Xth but subsequently, it was transferred to the court of Additional Sessions Judge-XIIth and again it was transferred to the court of Additional Sessions Judge-VIIth and lastly, it was transferred to the court of Additional Sessions Judge-IIIrd where it was received on 12.04.2019. The learned Additional Sessions Judge-IIIrd, Patna opined that the reason for pending of above stated case was non production of prosecution witnesses as well as frequent transfer



of the case.

Learned counsel appearing for the petitioner submits that co-accused Ram Dhyan Prasad as well as Hasindar Yadav have already been granted bail by different Benches of this Court, which is evident from perusal of Annexure-4 and Annexure-5 to the supplementary affidavit. He, further, submits that in a case of N.D.P.S. Act in which more than 300 kg *Ganja* was recovered, the Hon'ble Chhatisgarh High Court granted bail to accused and, therefore, in the aforesaid circumstances, the petitioner should be released on bail.

On the other hand, learned counsel appearing for Economic Offence Unit, Bihar, Patna opposed the prayer for bail on the ground that in huge quantity of *Ganja* was recovered from the truck which was being driven by the petitioner at the time of alleged occurrence. He, further, submitted that so far as co-accused Ram Dhyan Prasad and Hasindar Yadav are concerned, their cases are quite different to the case of the petitioner.

Having heard the above stated contentions of the parties, I went through the record.

It would appear from perusal of the record that petitioner was driver of the truck from which near about 230 kg



Ganja was recovered and taking note of the above stated fact, earlier bail prayer of the petitioner was rejected and again, I am not inclined to release the petitioner on bail and, hence, his payer for bail stands rejected.

However, the learned trial court is directed to conclude the trial of the petitioner within five months from the date of receipt/production of copy of this order even by taking the trial of the petitioner on day-to-day basis. However, this court again directs the Superintendent of Police, Economic Offence Unit, Bihar, Patna to ensure the presence of remaining prosecution witnesses of Special Case No. 39 of 2014 before the trial court within a period of two months from the date of receipt/production of copy of this order.

Furthermore, the learned Sessions Judge, Patna is directed not to transfer the record of Special Case No. 39 of 2014 to any other court from the court of Additional Sessions Judge-IIIrd, Patna unless special circumstance arises for its transfer. The learned Sessions Judge, Patna shall also ensure the disposal of the aforesaid case within the stipulated period as fixed by this court.

However, it is made clear that if the trial of the petitioner is not concluded within the above stated period, the



petitioner may renew his prayer for bail before this court
directly.

(Hemant Kumar Srivastava, J)

Rajeev Kumar/-

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