

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73910 of 2018

Arising Out of PS. Case No.-1 Year-2018 Thana- D.R.I District- Patna

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Gyanchand Verma, S/o Late Sitaram, resident of C9/108B, Habibpura, P.S.-
Chetganj, District- Varanasi (U.P.).

... .. Petitioner/s

Versus

The Union of India through the Commissioner Customs Patna, C.R. Building,
B.C. Patel Path, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate. Mr. Bhaskar Shankar, Advocate.
For the Union of India	:	Mr. S.D.Sanjay, Additional S.G. Mr. Shail Kumari, CGC Mrs. Priya Gupta, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-01-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in DRI Case No.
1/2018/419/2018 instituted for the offence under Sections
135(1) (a) and 135(1) (b) of the Customs Act.

Counsel for the petitioner submits that prayer for bail
of the petitioner was earlier rejected by coordinate Bench of
this Court vide order dated 19.7.2018 passed in Cr. Misc.
28944 of 2018 with liberty to renew his prayer for bail, in the
event trial is not concluded within three months.

Report was called for from the court below which
has been received. From the report it appears that case is still



pending for framing of charge.

The trial court has mentioned in the report that the case is pending for evidence before charge and till now two complainant witnesses have been examined.

Counsel for the Union of India submits that court remained vacant. Therefore, the trial remained pending.

In the written report there is allegation that petitioner was arrested with 5.100 kg. of gold bar worth Rs.1,55,55,000/- being smuggled from Bangladesh. Petitioner was apprehended in the running train.

Petitioner is in custody since 6.1.2018.

Keeping in view the period spent by the petitioner in custody and the fact that charge has not been framed against the petitioner as would appear from the report of the trial court dated 22.12.2018, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Economic Offence, Patna, in connection with DRI Case No. 1/2018/419/2018, subject to the condition that both the bailors will be the close relatives of the petitioner with further conditions which are as follows:



(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if petitioner tampers with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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