

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69409 of 2019

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

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INDRAJEET SINGH, Son of Santokh Singh @ Santosh Singh, Resident of
Village - House No.258, Bichig Nagar, P.S.- Murado, Distt.- Ludhiana
(Punjab).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Economic Offences Unit Bihar Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jay Ram Prasad, Adv.
For the State	:	Mr. Dinesh Singh, APP
For the EOI	:	Mr. V. N. P. Singh, Sr. Adv. Mr. Vijay Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 07-08-2020 The Court proceeding has been conducted through
virtual mode.

Heard Mr. Jay Ram Prasad, learned counsel for the
petitioner and Mr. V. N. P. Singh, learned Senior Counsel for the
Economic Offences Unit, Bihar assisted by Mr. Vijay Anand,
Adv. As well as Mr. Dinesh Singh, learned APP for the State.

This is the 4th 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, 1985.

The prosecution case is to the effect that Md.



Moqeen, 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, total weighing 537 kgs, were recovered from the chamber behind cabin of the truck.

It is submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 03.04.2014. 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 in question. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that earlier prayer for bail of the petitioner was rejected vide order dated 28.11.2018, passed in Cr. Misc. No. 43800 of 2018 with a liberty to the petitioner to renew prayer for bail if the trial is not concluded within a period of 8 months. Admittedly, the trial has not been concluded and due to the present pandemic created due



to Covid-19, there is no likelihood of trial being concluded in near future.

It is submitted by learned Senior Counsel appearing for the Economic Offences Unit that commercial quantity of Ganja were recovered from the truck in question in which the petitioner was found sitting with the driver.

Having heard learned counsel for the parties, it appears that initial prayer for bail of the petitioner was rejected vide order dated 04.08.2015, passed in Cr. Misc. no. 39783 of 2014, thereafter, vide order dated 26.07.2016, passed in Cr. Misc. No. 13896 of 2016 and lastly vide order dated 28.11.2018, passed in Cr. Misc. No. 43800 of 2018, considering the fact that the petitioner happens to be the co-villager of the driver of the truck in question and they were travelling from the State of Hariyana together as well as the recovery of commercial quantity of ganja, this Court earlier rejected the prayer for bail of the petitioner.

From perusal of the report of learned District and Sessions Judge-15, Patna, dated 3rd March, 2020, it appears that all the prosecution witnesses have been examined and the prosecution evidence has been closed on 24.02.2020. The accused persons have been examined under Section 313 of the



Code of Criminal Procedure on 28.02.2020 and now the matter has been fixed for examination of defence witnesses. The trial is likely to be concluded within a period of two months, but it appears that due to present pandemic, Covid-19, the trial has not been concluded.

Considering the recovery of ganja much more than commercial quantity and in view of the embargo for grant of bail under Section 37 of the NDPS Act, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner is rejected in connection with Special Case No. 31 of 2014, arising out of Economic Offence P.S. Case No. 21 of 2014, pending before the learned ADJ-VI, Patna.

However, if the trial is not concluded within a period of two months of resumption of court proceeding in physical mode, the petitioner will be at liberty to renew his prayer for bail.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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