

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22765 of 2023

Arising Out of PS. Case No.-13 Year-2018 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Ram Ishwar Pandit @ Musa @ Rameshwar Pandit S/O Late Mosaheb Pandit
Resident of Village- Agiaon, P.S.- Garhani, District- Bhojpur (Arrah), State-
Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Inspector General of Police, Economic Offence Unit, Bihar, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Kant Kumar, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP
For E.O.U.	:	Mr. V.N.P. Sinha, Sr. Advocate
	:	Mr. Vijay Anand, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

8 26-02-2024 1. Heard learned counsel for the petitioner, learned
counsel appearing for the E.O.U. and learned APP for the State.

2. This is the third attempt of the petitioner for grant of
regular bail. Earlier the two regular bail applications of the
petitioner were rejected vide Annexure-1 series to the present
application taking into account that 55.5 Kgs *ganja* was
recovered. As the same was above the commercial quantity as
per N.D.P.S. Act, the petitioner was not entitled for bail under
Section 37 of the N.D.P.S. Act.

3. The petitioner seeks bail in connection with Special
Case N.D.P.S. No. 114(A) of 2018 (Arising out of Economic



Offence P.S. case No. 13 of 2018 instituted for the offences under Sections 8/20(b)(ii)(c)/25/29 of the N.D.P.S. Act.

4. As per the FIR, the allegation against the petitioner is that he has arranged the vehicle from which the contraband substance, i.e. 55 Kg *ganja* is stated to have been recovered.

5. In the present application, a fresh report was called for from the learned court below regarding the stage of the trial vide order dated 25.01.2024. The said report has been received and kept at Flag-R2. The court below has reported that the case is fixed for argument. The court below has prayed for one month time to conclude the trial.

6. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that except the confessional statement of the co-accused, there is no material against this petitioner. Learned counsel next submitted that earlier, the second bail application of this petitioner was rejected vide order dated 16.02.2022 passed in Cr. Misc. No. 68203 of 2021, with a direction to the trial court to conclude the trial preferably within a period of nine months and, further, direction was also given to the Inspector General of Police to take all necessary steps to produce the witnesses on the date fixed by the trial court so that



the trial could be completed within the stipulated period of nine months. Learned counsel, therefore, urged that the petitioner be released on bail as the trial is still pending in the court below even after two years since the said directions were given to the concern trial court to conclude the same preferably within nine months. Learned counsel further submitted that the petitioner is languishing in jail since 21.05.2019 and has no criminal antecedent.

7. Learned A.P.P. for the State and learned counsel appearing for E.O.U. have vehemently opposed the prayer for grant of bail to the petitioner and submitted that trial is at the stage of argument.

8. Having gone through the submissions canvassed by both the parties and the present stage of the case, this court is not inclined to grant bail to the petitioner.

9. The prayer is rejected.

10. The learned trial court is directed to conclude the trial within one month.

(Rudra Prakash Mishra, J)

Alok Verma/-

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