

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8997 of 2025

Arising Out of PS. Case No.-12 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Bimlesh Kumar Tiwari @ Rishi Tiwary S/O Ganesh Tiwary Resident of
village - Bandhapa, P.S.- Akorhi Gola, District- Rohtas

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.N.Shahi, Sr. Advocate Mr. Kamendra Prasad Singh, Advocate
For the State	:	Md. Ataur Rahman, APP
For the EOU	:	Mr. Vijay Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 02-05-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Economic Offence P.S. Case no.12 of 2023 registered under sections 8, 20(B)(II)(C), 25 and 29 of the N.D.P.S. Act.

3. As per the prosecution case, on an information having been received, a search was conducted and while 100 kgs of ganja was recovered from the pickup van, 30 kgs of ganja was recovered from the Swift Desire vehicle. The petitioner was sitting in the Swift Desire vehicle and he was caught at the place of occurrence.

4. Learned Senior counsel appearing for the petitioner



submits that the petitioner has been falsely implicated in the case. He is alleged to be one of the five persons who were travelling in the Swift Desire vehicle from which it is alleged that 30 kgs of ganja was recovered. It is submitted that he is neither the owner nor the driver of the vehicle nor has he any concern with the seized article. It is further submitted that co-accused Sunil Kumar Gupta @ Sunil Kumar who is also said to be in the Swift Desire was enlarged on bail by the Hon'ble Supreme Court vide order dated 3.12.2024 passed in S.L.P. (Crl.) no.12917 of 2024. The petitioner is in custody since 10.9.2023, has no antecedent under the N.D.P.S. Act and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned counsel appearing for the Economic Offences Unit. Referring to the counter affidavit filed, it is submitted that a total quantity of 130 kgs of ganja was recovered from the two vehicles and even from the Swift Desire vehicle from which the petitioner was arrested, the recovery is above the commercial quantity. It is submitted that though the trial has commenced, once the petitioner is enlarged on bail he may not cooperate in the trial.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case



specially the fact that the petitioner has no antecedent under the N.D.P.S. Act, he having remained in custody for more than 1 year 7 months since 10.9.2023 and the trial having commenced in the learned trial Court, the Court directs the petitioner to be enlarged on bail in connection with Economic Offence P.S. Case no.12 of 2023 on furnishing bail bond of Rs.20,000/ (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge I-cum-Special Judge, N.D.P.S. Act, Aurangabad on the following conditions:

(i) one of the bailors of the petitioner shall be a close relative of the petitioner.

(ii) the petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

(iii) In case the petitioner is absent on any single date for reasons not to the satisfaction of the learned trial Court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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