

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83845 of 2019**

Arising Out of PS. Case No.-188 Year-2019 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

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Md. Riyaz @ Md. Reyaz Son of Md. Sahadat @ Shahadat Husen @ Md.
Sahjad Resident of Village - Sapri, P.S.- Hasanpur, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Bhubneshwar Prasad, Advocate
For the Opposite Parts : Mr.Nand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER**

6 04-06-2020 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

On 18.03.2020, a coordinate Bench of this Court,
noticing the perfunctory and unreasoned order passed by 2nd
Additional Sessions Judge-cum-Special Judge (Excise),
Samastipur, has sought explanation from the said Special Judge
Samastipur. After three months, the case was listed during the
pandemic before another Bench and then the case has been
ordered to be listed before the Bench who has passed order
dated 18.03.2020. Today the case is listed before this Court.

In ordinary circumstances, this Court would have
directed the case to be listed before the Bench which passed
order dated 18.03.2020 but in a situation when the submission in



explanation has consumed nearly two and half months, the petitioner is still languishing in jail even after obtaining explanation from the court below. The Court heard the case.

The petitioner is in custody in connection with Samastipur (Hasanpur) Rail P.S. Case No. 188 of 2019 for the offence under Sections 323, 341, 504 and 506 of the Indian Penal Code and Section 37(b)(c) of Bihar Prohibition and Excise Act, 2016

From the materials available on record it would appear that the petitioner has no criminal antecedents and he is in custody since 05.11.2019. Thus, he has remained in custody for nearly seven months. The documents enclosed as annexures demonstrate that the petitioner has consumed cough syrup on medical advice and on the ground of alleged consumption of liquor, the petitioner has remained in custody for nearly seven months.

Under the aforesaid circumstances, the Court is constrained to direct the court of 2nd Additional Sessions Judge-cum-Special Judge (Excise), Samastipur to release the petitioner forthwith on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to its satisfaction in connection with Samastipur (Hasanpur) Rail



P.S. Case No. 188 of 2019.

The Court directs the Registry to submit the explanation furnished by 2nd Additional Sessions Judge-cum-Special Judge (Excise), Samastipur to be placed before the Bench who has passed order dated 18.03.2020 for appropriate direction on administrative side.

With the aforesaid observations, the present petition stands allowed and disposed.

(Anil Kumar Upadhyay, J)

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