

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18045 of 2021**

Arising Out of PS. Case No.-48 Year-2020 Thana- NAYAGAON District- Begusarai

MURARI SINGH, Son of Ram Bilash Singh, Resident of Village- Rahatpur,
P.S. Balia, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Advocate Mr. Hare Krishna Prasad, Advocate
For the Opposite Party/s :		Ms. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-08-2021 Learned Senior Counsel for the petitioner undertakes
to remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and
Ms. Sucheta Yadav, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Nayagaon P.S. Case No. 48 of 2020 registered
for the offence punishable under Section 30(a) of Bihar Excise
and Prohibition (Amendment) Act, 2016. He has been remanded
in this case on 01.11.2020.

Learned Senior Counsel for the petitioner submits that
it is a case of false implication of the petitioner because earlier
the petitioner had filed a criminal writ petition before this Court

for direction and proper enquiry of the several cases which occurred in the district of Begusarai in which all the three brothers including the petitioner were falsely implicated. It is submitted that the petitioner has been involved in false cases and it is one of them.

Learned Senior Counsel submits that in the present case the recovery of liquor has been made from the place of one co-accused Nitesh Kumar @ Lalo. It is alleged that because of the influence of this petitioner nobody was ready to become a witness to the seizure list as the petitioner is also involved allegedly in the illegal trade of illicit liquors. The allegation is of recovery of huge quantity of liquors as per the description given in the seizure list.

Learned Senior Counsel submits that save and except mere allegation that the petitioner is involved in sale of illicit liquor, there is no other material to connect him with the present case.

On the other hand, Ms. Sucheta Yadav, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that because of the huge criminal antecedents of the petitioner, nobody is ready to cooperate with Police and this is one of those cases in which nobody was ready to become

seizure list witness, hence, the two constables who were member of the Bihar Military Police are seizure list witnesses of this case. It is submitted that the petitioner is having at least fifteen cases against him. In paragraph '3' he has declared seventeen cases out of which in one case he is said to have been acquitted while another case has been quashed by the Hon'ble High Court. At least five cases are under Section 302 of the Indian Penal Code and the other cases are also for the serious offences.

Considering the facts and circumstances of the case, this Court has noticed that in the present case the allegation against the petitioner is that he is engaged in illegal trade of liquours along with co-accused. The recovery is from the possession of another co-accused but after considering the huge criminal antecedents of the petitioner and taking the same together with the present allegations saying that because of the influence of the petitioner nobody is ready to become a witness, this Court is not inclined to release the petitioner on bail at this stage. The prayer for bail is, thus, refused.

Let the trial be expedited.

The learned trial court is directed to proceed with this case as early as possible towards framing of charge and all

efforts be made by keeping the case on shorter date to conclude the trial within a period of nine months from the date of start of physical functioning of the court.

If the trial remains unconcluded during this period for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.