

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20855 of 2021

Arising Out of PS. Case No.-378 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Amit Kumar Singh, S/o Late Rameshwar Singh, Resident of Village- M. Kuwari, P.S.- Dariyapur, District- Saran (Chhapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate.
For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 01-12-2021 The applicant/accused in Excise Case No. 378 of 2020 registered against the applicant for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 at the instance of Excise Department, by this application is seeking his release on bail.

Heard the learned counsel appearing for the applicant/accused. He submits that the applicant is behind bars from 30.12.2020.

However, the learned Public Prosecutor drew my attention to the report sent by the learned trial court and submitted that considering the crucial stage at which the trial is, the discretion to release the applicant on bail cannot be exercised.



I have considered the submissions so advanced and also perused the report dated 15.09.2021 submitted by the learned trial court. The learned trial court reported that evidence of the prosecution is already over, the statement of the applicant under Section 313 of the Cr.P.C. is already recorded. At the instance of the applicant, the case is fixed for the defence evidence and the trial court shown its willingness to decide the matter in 15 days provided the applicant furnishes defence evidence. This was the stage as of 15.09.2021.

In this view of the matter, I see no reason to entertain the instant application at such crucial junction of the trial. The applicant is free to adduce the defence witness and if he produces the defence witnesses, the learned trial court should examine those witnesses on the very same day without adjourning the matter. The learned trial court shall take all necessary steps to decide the excise case within a period of one month from today. The applicant/accused to cooperate the trial court in disposal of the excise case within a period of one month from today by producing his witnesses.

It is needless to mention that if despite cooperation by the applicant the case against him is not disposed of within



one month from today, the applicant would be at liberty to renew his request subsequently.

With this observation, this application stands rejected.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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