

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18574 of 2021**

Arising Out of PS. Case No.-186 Year-2020 Thana- KARJA District- Muzaffarpur

=====

Pramod Rai S/O Asharfi Rai Resident Of Village- Jalalpur, P.S.- Saraiya
(Jaitpur O.P.), District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ravi Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

11 09-02-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular bail in connection with Karja P.S. Case No. 186 of 2020 registered for the offences punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Earlier this Court called for the case diary and complete antecedent report of the petitioner vide order dated 29.07.2021. When the case diary was received, it was found that the petitioner was having 5 criminal antecedents of similar nature.

Earlier the petitioner had moved this Court in Cr. Misc. No. 8816 of 2021 in connection with Saraiya P.S. Case



No. 204 of 2019 and this Court was given to understand that the petitioner has 3 criminal antecedents whereafter this Court granted him bail subject to the condition that he will be released on bail on completion of one year of custody. His criminal antecedents were, however, subject to verification by the learned court below.

When this case was taken up for consideration on 07.10.2021, learned counsel for the petitioner cited the order dated 02.08.2021 passed by this Court in Cr. Misc. No. 8816 of 2021 by which this Court had granted him bail in Saraiya P.S. Case subject to the condition that he will be released on completion of one year of custody. At the said stage, when this Court called for the records of Cr. Misc. No. 8816 of 2021, it was found that in the said case also the petitioner had concealed his criminal antecedent. A show cause notice was issued to the deponent namely Arun Kumar Yadav. The show cause was filed and the same was taken up for consideration by a learned Co-ordinate Bench of this Court. This Court had dealt in detail the developments which took place before the learned Co-ordinate Bench on 07.12.2021 when finally learned Co-ordinate Bench released the case to be listed before this Court. On 02.02.2022 this Court did not think fit to proceed with the show cause in



view of certain observations which were already made by learned Co-ordinate Bench in its order dated 07.12.2021.

Be that as it may, today in course of hearing, learned counsel for the petitioner has informed that the petitioner has got 7 criminal antecedents. It is his further submission that the petitioner has been involved in several cases and so far as the present case is concerned, it relates to recovery of 2136.6 liters of illicit liquors from a truck and Wagon R car. Two persons who were arrested on the spot with the truck had disclosed the name of the petitioner as one who had fled away on seeing the police party.

Learned counsel submits that considering the period of custody since 11.11.2020, the petitioner may be released on bail.

On the other hand, Mr. Jagdhar Prasad, learned APP for the State submits that this petitioner is involved in trade of illicit liquors and he is accused in 7 cases, the fact that he obtained bail earlier in one of the cases from this Court and then some other courts as well by concealing his criminal antecedents further shows his conduct in attempt to dupe the Court also.

Learned APP further submits that the period of



custody is hardly of 15 months and at this stage sufficient time is required to be given to the trial court to proceed with the trial in connection with this case otherwise if released on bail at this stage, the petitioner being habitual offender is likely to indulge in the same.

Learned counsel for the petitioner submits at this stage that save and except these two cases which have come before this Court, in all other cases the petitioner has disclosed 6 criminal antecedents, however, one of the cases was not known to him.

Having heard learned counsel for the petitioner and learned APP for the State, in the nature of the materials which are present and showing that the petitioner has been named by the arrested accused and his name has transpired in as many as 7 cases of similar nature, the petitioner had successfully obtained bail from this Court by giving less number of criminal antecedents, this Court is not inclined to release the petitioner on bail at this stage.

Learned counsel for the petitioner has informed that charge has already been framed, however, he is not aware whether the evidence has begun.



Let the trial court proceed with the trial expeditiously and by keeping the records on shorter dates, the matter be dealt with and all endeavours be made to conclude the trial preferably within a period of 9 months from the date of communication of this order.

If the trial still remains unconcluded for no reason attributable to the petitioner, he shall be at liberty to renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

