

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12202 of 2022

Arising Out of PS. Case No.-395 Year-2021 Thana- BHORE District- Gopalganj

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Basant Kumar Singh S/o Rajesh Singh R/o village- Rampur Kala, P.S.-
Phulwariya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Umashankar Prasad, Sr. Adv. with Mr. Vyas Kumar Mishra
For the Opposite Party/s	:	Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 29-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bhore P.S. Case No. 395 of 2021 lodged under Section 30(a) of
the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, total recovery of 511.4
litres of country made liquor has alleged to be made in this case.

Learned counsel for the petitioner submits that the
petitioner was not apprehended from the place of occurrence.
His name was figured in this case by virtue of the statement of
the local chaukidar and the person present. Learned counsel
submits that petitioner is in custody since 21.12.2021, charge

sheet has already been filed in this case. On the point of his criminal antecedent, he submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. He further submits that there are 8 cases pending against him and in 4 cases he was granted bail.

Learned counsel for the State opposes the prayer for bail and submits that there are total 8 cases filed against the petitioner which is of same nature that is of excise material.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional District and Sessions Judge-II-cum-Special Judge, Excise Court No.-1, Gopalganj in connection with Bhore P.S. Case No. 395 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Speedy trial is the constitutional vision of justice. From the petition, it transpires that there are total 9 cases (including present one) pending against the present petitioner. All cases belongs to Territorial Division of the Gopalganj.

The learned District and Sessions Judge, Gopalganj is directed to do the needful so that all the cases of the petitioners named here:

- i. Phulwariya P.S. Case No. 69 of 2018 lodged under Section 30(a) of the Excise Act.
- ii. Phulwariya P.S. Case No. 32 of 2018 lodged under Section 30(a) of the Excise Act.
- iii. Mirganj P.S. Case No. 22 of 2018 lodged under Section 30(a) of the Excise Act.
- iv. Phulwariya P.S. Case No. 226 of 2019 lodged

under Sections 447, 225, 341, 323, 324, 307 of the I.P.C.

v. Mirganj P.S. Case No. 315 of 2021 lodged under Section 30(a) of the Excise Act.

vi. Uchkagaon P.S. Case No. 227 of 2021 lodged under Section 30(a) of the Excise Act.

vii. Bhorey P.S. Case No. 279 of 2021 lodged under Section 30(a) of the Excise Act.

viii. Phulwariya P.S. Case No. 95 of 2021 lodge under Sections 272, 273 of the I.P.C. read with Section 30(a) of the Excise Act.

ix. Bhore P.S. Case No. 395 of 2021 lodged under Section 30(a) of the Excise Act (present case).

be placed before one and the same Excise Court with same date.

Let the copy of the order be communicated to District Judge Gopalganj for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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