

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14829 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- PHULWARIYA District- Gopalganj

Nagendra Yadav Son of Bairister Yadav @ Bayristar Yadav, Resident of Village- Majirawa Kala, Tola- Ghuthnaha, P.S.- Fulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 18-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Fulwariya P.S. Case No. 259 of 2021, lodged under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, the total recovery of 10.400 liter of wine is the subject matter relating to the present case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that name of petitioner is not figured in this case, only on the instance of Police he was arrested in this case because his antecedent is not clean. He also submits that there are in total 18 criminal cases pending against the petitioner and he is on bail in

all 18 cases. He further submits that petitioner is in custody since 21.12.2021. He also submits that petitioner is ready to fulfill all the conditions, whatsoever shall be imposed upon him by the Court. He further submits that only 10.400 liter is alleged to be recovered in this case.

Learned counsel for the State opposes the prayer for bail.

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.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Court No.1, Gopalganj in connection with Fulwariya P.S. Case No. 259 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 be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship 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. Admittedly, there are in total 19 criminal cases pending against the petitioner (including present one) and all cases belongs to District and Sessions Judge, Gopalganj. The chart of all those cases are as follows :-

1. Fulwariya P.S. Case No. 31/2011.
2. Bhorey P.S. Case No. 126/2012.
3. Vijaipur P.S. Case No. 83/2012.
4. Hathua P.S. Case No. 30/2013.
5. Fulwariya P.S. Case No. 138/2014.
6. Fulwariya P.S. Case No. 2/2018.
7. Fulwariya P.S. Case No. 202/2019.
8. Bhorey P.S. Case No. 316/2019.
9. Fulwariya P.S. Case No. 28/2021.
10. Kateya P.S. Case No. 186/2020.
11. Fulwariya P.S. Case No. 105/2021.
12. Fulwariya P.S. Case No. 195/2021.

13. Fulwariya P.S. Case No. 200/2021.
14. Fulwariya P.S. Case No. 363/2021.
15. Fulwariya P.S. Case No. 263/2021.
16. Fulwariya P.S. Case No. 292/2021.
17. Fulwariya P.S. Case No. 293/2021.
18. Fulwariya P.S. Case No. 426/2021.
19. Fulwariya P.S. Case No. 259 of 2021.

The District and Sessions Judge, Gopalganj is directed to do the needful so that all magisterial triable cases or sessions triable cases prior to commitment shall run before one Magistrate with one date and all sessions triable cases after commitment shall run before one Sessions Court with one date.

Let a copy of this order is communicated to District and Sessions Judge, Gopalganj for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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