

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38076 of 2022

Arising Out of PS. Case No.-237 Year-2021 Thana- RAGHOPUR District- Supaul

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Samar Kumar Ghosh @ Samar Ghosh Son Of Sukumar Ghosh R/O Village-
Islampur Ramkrishnapuri, P.O. And P.S.- Islampur, Distt.- Uttar Dinajpur,
West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 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
Raghopur P.S. Case No. 237 of 2021 lodged under Sections
30(a), 38(1), 41(1) of Bihar Prohibition and Excise Amendment
Act, 2016.

As per the prosecution case, total recovery of excise
material in the present case is 2610 litres foreign liquor has been
made from the vehicle.

Learned counsel for the petitioner submits that such
recovery has not been made from the conscious possession. He

further submits that he is in custody since 06.05.2022, charge sheet has already been filed in this case. He submits that there are 7 cases pending against him relating to 4 Districts Supaul, Katihar, Purnea and Samastipur. Out of 7 cases in 6 cases he is on bail. He further submits that he is ready to fulfill all the conditions whatsoever shall be imposed by the Court.

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 Exclusive Special Excise Court No. II, Supaul in connection with Raghapur P.S. Case No. 237 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. Admittedly, there are in total 3 cases pending against the petitioner (including the present one) which belong to same P.S. lie within the Territorial Division of the Supaul District and Session Judge which are as follows:

- i. Kishanpur Supaul P.S. Case No. 168 of 2021 lodged under Section 30(a).
- ii. Raghapur P.S. Case No. 159 of 2021 lodged under Section 30(a).
- iii. Raghapur P.S. Case No. 237 of 2021 lodged under Sections 30(a), 38(1) and 41(1) of Bihar Prohibition and Excise Amendment Act, 2016 (present case).

The District and Session Judge Supaul is directed to do the needful so that all the cases above named shall run before

the one Session Excise Court with same date.

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

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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