

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38001 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- DHOLBAJJA District- Bhagalpur

Chhtish Mandal Son Of Vishwanath Mandal @ Bishnudeo Mandal R/O
Village- Lakshminiya, Kadwa, P.S.- Dholbazza, Kadwa, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Adv.

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

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
Dholbazza (Kadwa) P.S. Case No. 95 of 2021 lodged under
Section 30(A) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of excise
material in the present case is 18 litres desi sharab and article for
preparation of desi sharab have been made in the present case.

Learned counsel for the petitioner submits that
petitioner is not apprehended from the place of occurrence. He
further submits that petitioner is in custody since 11.03.2022,
charge sheet has already been filed. He has having 2 cases

pending against him in which he is on bail.

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 Court of Spl. Excise Judge 1st Bhagalpur in connection with Dholbazza (Kadwa) P.S. Case No. 95 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 are as follows:

- i. Dholbazza (Kadwa) P.S. Case No. 17 of 2022.
- ii. Dholbazza (Kadwa) P.S. Case No. 49 of 2019.
- iii. Dholbazza (Kadwa) P.S. Case No. 95 of 2021 lodged under Section 30(a) of Bihar Prohibition and Excise Act, 2016 (present case).

The District and Session Judge Bhagalpur is directed to do the needful so that all the cases above named shall run before one Session Excise Court with same date.

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

sadique/-

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