

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38721 of 2022

Arising Out of PS. Case No.-262 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Suhag Ray Son Of Late Shyam Bahadur Ray, R/o Village- Litiyahi, P.S.-
Raghopur (Rustampur O.P.), District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 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.

The petitioner seeks regular bail in connection with
C2A Case No. 262/2021, lodged under Sections 30(a), 32(ii),
41(i) and 41(ii) of the Bihar Prohibition & Excise Act, 2018.

As per prosecution case, total recovery of 451.440
litres of foreign liquor were alleged to be made from a nearby
place in front of the house of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that recovery has not been made from his conscious



possession. He further submits that petitioner is in custody since 07.03.2022. On the point of his criminal antecedent, learned counsel for the petitioner submits that petitioner has 10 criminal antecedents and he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned APP for the State opposes the prayer for bail and submits that it appears that petitioner is habitual offender because there are total 11 cases including the present one pending against him.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 50,000/- (rupees thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with C2A Case No. 262/2021, 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 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. It transpires from paragraph no.3 of the petition that there are in total 11 cases including the present one pending against the petitioner and all are relating to District and Sessions Judge, Vaishali at Hajipur. It may be either before the excise Court or before the Special Excise Court, details of which are as follows:- **(1)** Ganga Bridge P.S. Case No. 08 of 2010, **(2)** Hajipur Sadar P.S. Case No. 508 of 2018, **(3)** Bidupur P.S. Case No. 388 of 2018, **(4)** Raghapur P.S. Case No. 142 of 2017, **(5)** Hajipur (Town) P.S. Case No. 154 of 2018, **(6)** Ganga Bridge P.S. Case No. 104 of 2019, **(7)** C2A Case No. 215 of 2021, **(8)** Raghapur (O.P. Rustampur) P.S. Case No. 143 of 2021, **(9)** Ganga Bridge P.S. Case No. 158 of 2021, **(10)** Ganga Bridge



P.S. Case No. 165 of 2021 & (11) C2A Case No. 262 of 2021.

Let the District and Sessions Judge, Vaishali at Hajipur is directed to make an order to place all the cases named above before one Excise Court and shall run with one date.

Office is directed to communicate the copy of this order to District and Sessions Judge, Vaishali at Hajipur for his perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

Ranjeet/-

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