

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38559 of 2022

Arising Out of PS. Case No.-171 Year-2021 Thana- RAJAOLI District- Nawada

Pramod Yadav

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar, 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
Rajauli P.S. Case No. 171 of 2021 lodged under Sections 30(a)
(d)/41 of the Bihar Prohibition & Excise Act, 2016 read with
Section 414 of the I.P.C.

As per the prosecution case, total recovery of excise
material in the present case is 400 litres whereas 75 litres
recovered near the bank of the river and 325 litres nearby forest
of the locality.

Learned counsel for the petitioner submits that he was
not apprehended from the place of occurrence rather his name

has figured in this case by virtue of a confessional statement of the co-accused. He further submits that he is in custody since 07.05.2022, charge sheet has already been filed. On the point of his criminal antecedent that he has 2 criminal cases pending against him. He 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 Special Judge Excise-2, Nawada in connection with Rajauli P.S. Case No. 171 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 (including the present one) pending against the petitioner which are as follows:

- i. Rajauli P.S. Case No. 575 of 2021 lodged under Sections 30(a)(c) of the Bihar Prohibition and Excise Act.
- ii. Rajauli P.S. Case No. 588 of 2020 lodged under Section 30(a) of the Bihar Prohibition and Excise Act read with Section 414 of the I.P.C.
- iii. Rajauli P.S. Case No. 171 of 2021 lodged under Sections 30(a)(d)/41 of the Bihar Prohibition and Excise Act, 2016 read with Section 414 of the I.P.C. (present case).

The District and Session Judge Nawada 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 Judge Nawada for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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