

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38964 of 2022

Arising Out of PS. Case No.-740 Year-2021 Thana- NAWADA District- Nawada

Koushal Yadav S/O Sharwan Yadav Resident of Village- Khemchand Bigha,
P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40476 of 2022

Arising Out of PS. Case No.-740 Year-2021 Thana- NAWADA District- Nawada

Vidhan Kumar @ Vidhan Yadav Son Of Sharwan Yadav R/O Village-
Khemchand Bigha, P.S.- Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38964 of 2022)

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

(In CRIMINAL MISCELLANEOUS No. 40476 of 2022)

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with
Nawada (Nagar) P.S. Case No. 740 of 2021 lodged under

Sections 33, 34, 36 of the Excise Act.

As per the prosecution case, the allegation of selling spurious liquor is against the petitioners and by consumption of the said liquor, 2 persons died.

Learned counsel for the petitioners submit that petitioners are innocent and have committed no offence. Learned counsel further submits that with a view to save the skin, the police have lodged the present case because earlier prior to filing of the present case, U.D. Case No. 15 of 2021 was filed on 01.04.2021 but subsequently on 14.07.2021, the present case has been filed after delay of about 3 months. Learned counsel for the petitioners further submit that in the present case, the petitioners were remanded and within a span of 2 months, their name have figured in total 18 cases, in some of cases, they were remanded and in some of cases, they were not remanded. Learned counsel for the petitioners submit that upon receiving information that their name have figured in 18 cases, he mentioned details in paragraph 3 of the petition. He submits that petitioners are in custody since 24.05.2022, charge sheet has already been filed and they are ready to fulfill all the conditions whatsoever shall be imposed upon them by the Court.

Learned counsels for the State vehemently opposes

the prayer for bail and submit that it is the most heinous offence under the Bihar Prohibition and Excise Act, 2016 as allegation against the petitioners are to sale/dealing the spurious liquor which resulted into death of series of persons. He also submits that as per his knowledge, charge has not been framed in this case till date and, therefore, bail application of the petitioners may be rejected.

In the present facts and circumstances of this case and the submissions made above, let the bail application of both the petitioners are hereby rejected at present but they may renew their prayer for bail 6 months after framing of charge.

Speedy trial is the constitutional vision of justice. From both the bail applications, it transpires that there are in total 19 criminal cases (including the present one) of similar nature are pending against the present petitioners which belongs to the District and Session Judge Nawada which are as follows:

- i. Nawada (Kadirganj) P.S. Case No. 856 of 2020 lodged under Section 30(a) of the Excise Act.
- ii. Nawada Nagar P.S. Case No. 372 of 2021 lodged under Sections 33, 34, 36, 37(A) of the Excise Act.
- iii. Nagar Nawada P.S. Case No. 373 of 2021 lodged under Sections 33, 34, 36 of the Excise Act.
- iv. Nagar Nawada P.S. Case no. 374 of 2021 lodged

under Sections 33, 34, 36 of the Excise Act.

v. Nagar Nawada P.S. Case No. 375 of 2021 lodged under Sections 33, 34, 36 of the Excise Act.

vi. Nagar Nawada P.S. Case No. 376 of 2021 lodged under Sections 33, 34, 36 of the Excise Act.

vii. Nagar Nawada P.S. Case no. 377 of 2021 lodged under Sections 33, 34, 36 of the Excise Act.

viii. Nagar Nawada P.S. Case No. 378 of 2021 lodged under Sections 33, 34, 36 of the Excise Act.

ix. Nagar Nawada P.S. Case No. 382 of 2021 lodged under Sections

x. Nagar Nawada P.S. Case No. 383 of 2021 lodged under Sections 33, 34, 36 of the Excise Act.

xi. Nawada Nagar P.S. Case No. 384 of 2021 lodged under Sections

xii. Nawada Nagar P.S. Case no. 387 of 2021 lodged under Sections

xiii. Nawada Nagar P.S. Case No. 679 of 2021 lodged under Sections 33, 34, 36 of the Excise Act.

xiv. Nawada Nagar P.S. Case No. 680 of 2021 lodged under Sections 33, 34, 36 of the Excise Act.

xv. Nawada Nagar P.S. Case no. 681 of 2021 lodged under Sections 33, 34, 36 of the Excise Act.

- xvi. Nawada Nagar P.S. Case No. 682 of 2021
lodged under Sections 33, 34, 36 of the Excise Act.
- xvii. Nawada Nagar P.S. Case No. 745 of 2021
lodged under Sections 33, 34, 36 of the Excise Act.
- xviii. Nawada Nagar P.S. Case No. 132 of 2018
lodged under Sections 37(b) of the Excise Act.
- xix. Nawada Nagar P.S. Case No. 740 of 2021
lodged under Sections 33, 34, 36 of the Excise Act.
(present case).

Let the District and Session Judge Nawada is directed
to do the needful so that all criminal cases pending against the
petitioners shall run before one Special Court with one date. It is
directed to expedite the trial and close it as early as possible.

Let the copy of this order is communicated to the
District and Session Judge Nawada for information and
necessary compliance.

With this observation, the bail application stands
rejected.

(Dr. Anshuman, J.)

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