

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38977 of 2022

Arising Out of PS. Case No.-217 Year-2020 Thana- KAUWAKOL District- Nawada

Sanjay Yadav Son of Late Kameshwar Yadav Resident of Village -Gua
Ghoghra, P.s.- Kwakol, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dashrath Mehta, 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
Kawakol P.S. Case No. 217 of 2020 lodged under Sections 30(a)
and 41 of the Excise Act.

As per the prosecution case, total recovery of 50 litres
wine on 8 motorcycle each were alleged to be made.

Learned counsel for the petitioner submits that one of
the motorcycle belongs to the petitioner and, therefore, his name
has figured in this case as the owner of the motorcycle. Counsel
for the petitioner further submits that petitioner has not
apprehended from the place of occurrence rather his name was

figured on the instance of police. He further submits that he is in custody since 17.04.2022, charge sheet has already been filed in this case and there are 3 criminal cases pending against him. On the point of his criminal antecedent, he submits that he shall not involve in future in such type of cases.

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.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court IInd, Nawada in connection with Kawakol P.S. Case No. 217 of 2020, 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 4 cases (including the present one) pending against the petitioner which are as follows:

- i. Kawakol P.S. Case No. 63 of 2021 lodged under Section 30(a) of the Excise Act.
- ii. Kawakol P.S. Case No. 429 of 2020 lodged under Section 30(a) of the Excise Act.
- iii. Kawakol P.S. Case No. 118 of 2021 lodged under Section 30(a) of the Excise Act.
- iv. Kawakol P.S. Case No. 217 of 2020 lodged under Sections 30(a) and 41 of the Excise Act (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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