

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39038 of 2022

Arising Out of PS. Case No.-153 Year-2020 Thana- HATHAURI District- Muzaffarpur

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Ajay Ray @ Ajay Kumar Son of Padarath Ray, Resident of Village-
Manikpur, P.S.- Minapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Rita Verma, 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
Hathauri P.S. Case No. 153/2020, lodged under Sections 272 and
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition & Excise Act.

As per prosecution case, total recovery of 1212.705
litres of foreign liquor alleged to be made from the truck.

Learned counsel for the petitioner submits that
petitioner is neither driver nor owner and also not Khalasi of the
vehicle. He further submits that petitioner is apprehended in this
case on 03.06.2022. On the point of his criminal antecedent which
is three in nature, learned counsel for the petitioner submits that
petitioner is ready to fulfill all the conditions whatsoever shall
impose upon him by the Court. He further submits that after filing



one case against him, the Police has started putting his name in different cases also.

Learned APP for the State opposes the prayer for bail and submits that petitioner's antecedent is not clean and there are in total 4 cases pending against him and all related to Muzaffarpur Sessions Division.

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.30,000/- (rupees thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Muzaffarpur, in connection with Hathauri P.S. Case No. 153 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 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. Admittedly there are in total 5 criminal cases pending against the petitioner including the present one all relating to Excise matter which are as follows :- (1) Excise Complaint Case No. 176 of 2019, (2) PR Case No. 44 of 2019, (3) Minapur P.S. Case No. 33 of 2019, (4) Excise Case No. 137 of 2019 & (5) Hathauri P.S. Case No. 153 of 2020.

Let the District and Sessions Judge, Muzaffarpur is directed to put all the cases before one Excise Court with one date.

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ranjeet/-

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