

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40880 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- GOPALPUR District- Bhagalpur

Bambam Singh Son Of Krishna Murari Singh R/O Village- Saidpur, P.S.-
Gopalpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-10-2022 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
Gopalpur P.S. Case No. 129 of 2022 lodged under Sections
37(B)/(C)/45 of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, the allegation of taking
wine and abusing to public at large in the F.I.R.

Learned counsel for the petitioner submits that the
allegation against the petitioner is that he has consumed wine
and making noise. He further submits that petitioner is in
custody since 17.03.2022, charge sheet has already been filed in
this case and also submits that there are 4 criminal cases

pending against him and all are of Excise Act.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner's antecedent is not clean.

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 Spl Excise Judge, 1st, Bhagalpur in connection with Gopalpur P.S. Case No. 129 of 2022, 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 bailors shall be close relative who shall file affidavit before the court about his relationship 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 the record of this case that there are in total 5 criminal cases (including the present one) pending against the petitioner, out of 5 cases, 4 cases are of Excise Act and one case is under 498(A) which belongs to the District and Session Judge Bhagalpur which are as follows:

- i. Gopalpur P.S. Case No. 605 of 2021 lodged under Sections 37(b)(c) of Bihar Prohibition & Excise Act, 2016.
- ii. Gopalpur P.S. Case No. 313 of 2020 lodged under Sections 37(c)/45 of Bihar Prohibition & Excise Act, 2016.
- iii. Gopalpur P.S. Case No. 454 of 2020 lodged under Section 498(A) of I.P.C.
- iv. Gopalpur P.S. Case No. 256 of 2019 lodged under Sections 37(b)(c) of Bihar Prohibition & Excise Act, 2016 and 37(b)(c) of Bihar Prohibition & Excise Act, 2016.
- v. Gopalpur P.S. Case No. 129 of 2022 lodged under Sections 37(b)/(c)/45 of Bihar Prohibition & Excise

Act, 2018. (present case).

Let the District and Session Judge Bhagalpur is directed to do the needful so that all the special cases related to excise shall run before one Court with one date.

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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