

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42035 of 2022

Arising Out of PS. Case No.-216 Year-2019 Thana- BARH District- Patna

Manoj Yadav @ Mano Yadav Son of Rajdev Yadav, Resident of Village -
Laheriya Pokhar, P.S.- Barh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-08-2022 Let the defects, as pointed out by the Office, be
removed within a period of two weeks from today.

Heard learned counsel for the petitioner and learned
APP for the state.

Petitioner seeks regular bail in connection with Barh
P.S. Case No. 216 of 2019 alleged under Sections 30(a), 38 and
41 of Bihar Prohibition and Excise Act, 2016.

As per the prosecution, total 139.130 litres of foreign
liquor and 100 litres of country made liquor were alleged to be
recovered in this case.

Learned counsel for the petitioner submits that
recovery has not been made from the conscious possession of
the petitioner. It has been recovered at a nearby place of Barh
railway. Learned counsel for the petitioner further submits that

his name has figured in this case by virtue of confessional statement of co-accused Venna Kumar. Learned counsel for the petitioner further submits that charge sheet has already been filed in this case and petitioner is in custody since 10.06.2022. On the point of his criminal antecedent, learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. Learned counsel for the petitioner further submits that out of seven cases, he is on bail in four cases and in rest cases he is pursuing for bail before this Court.

Learned counsel for the State opposes the prayer for bail.

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.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Barh in connection with Barh P.S. Case No. 216 of 2019, 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 8 cases pending against the present petitioner including the present one. Out of 8 cases, 7 cases are relating to excise matter. The details of those cases are as follows:

- (I) Barh P.S. Case No. 183 of 2022,
- (ii) Barh P.S. Case No. 104 of 2019,
- (iii) Barh P.S. Case No. 30 of 2019,
- (iv) Barh P.S. Case No. 290 of 2019,
- (v) Barh P.S. Case No. 163 of 2019,
- (vi) Rail P.S. Case No. 37of 2019,

(vii) Rail Bakhtiyarpur P.S. Case No. 31 of 2019,

(viii) Barh P.S. Case No. 216 of 2019

All the cases are relating to Barh Sub-Divisional Court. The District & Sessions Judge, Patna is directed to do the needful so that all the excise cases of the petitioner shall run before one excise Court with one date and other than excise cases shall run before the appropriate Sessions Court with one date.

Office is directed to communicate this order to the District and Sessions Judge, Patna for perusal and do the needful.

(Dr. Anshuman, J.)

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