

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40619 of 2022

Arising Out of PS. Case No.-211 Year-2022 Thana- BARUN District- Aurangabad

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Bharat Kumar @ Bharat Ram Son Of Lakshaman Ram @ Laxuman Ram R/O
Village- Janpur, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 12-10-2022 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
G.R. No. 504 of 2022 arising out of Barun P.S. Case No. 211 of
2022 lodged under Sections 30(a), 30(c) of the Bihar Prohibition
and Excise Act, 2018.

As per the prosecution case, the allegation of selling
country made liquor is against the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
recovery of wine take place near the river and not from the
possession of the petitioner. Learned counsel submits that

petitioner is in custody since 01.06.2022 having 2 criminal antecedent of same nature. Learned counsel undertakes that the petitioner shall not involve in any such type of offence in future.

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.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Aurangabad in connection with G.R. No. 504 of 2022 arising out of Barun P.S. Case No. 211 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. Admittedly, there are in total 3 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge Aurangabad which are as follows:

- i. Barun P.S. Case No. 450 of 2021 lodged under Section 30(a) of Excise Act.
- ii. Barun P.S. Case No. 208 of 2022 lodged under Section 30(a) of Excise Act.
- iii. Barun P.S. Case No. 211 of 2022 lodged under Sections 30(a), 30(c) of the Bihar Prohibition and Excise Act, 2018. (present case).

Let the District and Session Judge Aurangabad is directed to do the needful so that all 3 cases including the present one shall run before the same Special Court with one date.

Let the copy of this order is communicated to the District and Session Judge Aurangabad for information and

necessary compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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