

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40644 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- RISIYAP District- Aurangabad

=====

Ganga Paswan S/o Lalji Paswan R/o village- Khetpura, P.S.- Risiyap,
District- Aurangbad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-08-2022 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
Risiyap P.S. Case No. 56 of 2022 (G.R. No. 394 of 2022)
lodged under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

As per the prosecution case, total recovery of 14.40
litres desi wine is alleged to be made.

Learned counsel for the petitioner submits that
petitioner is apprehended from the place of occurrence but he
submits that the excise material has not been recovered from the
conscious possession of the petitioner. He further submits that

the said recovery has been made in open field (Khalihan). Learned counsel for the petitioner submits that petitioner is in custody since 27.05.2022, charge sheet has already been filed in this case. On the point of his criminal antecedent the counsel of petitioner submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

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 Special Judge (Excise), Aurangabad in connection with Risipap P.S. Case No. 56 of 2022 (G.R. No. 394 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 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 3 cases arising out of same P.S. pending against the present petitioner, namely:

- i. Risiyap P.S. Case No. 19 of 2021 lodged under Section 30(a) of Excise Act.
- ii. Risiyap P.S. Case No. 69 of 2021 lodged under Section 30(a) of Excise Act.
- iii. Risiyap P.S. Case No. 56 of 2022 lodged under Section 30(a) of the Bihar Prohibition and Excise Act, 2019 (present case).

pending before Aurangabad District and Session Judge Division.

The District and Session Judge is directed to do the needful so that all the 3 cases arising out of same P.S. may run before the same Excise Court with same date.

Let the copy of the order be communicated to District
and Session Judge Aurangabad for perusal and necessary
compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

sadique/-

U		T	
---	--	---	--