

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40421 of 2022

Arising Out of PS. Case No.-73 Year-2020 Thana- BARH District- Patna

=====

Durga Paswan Son of Late Bhagwat Paswan @ Bhagat Paswan R/o Village-
Pachhiyari Malahi, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, 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
Barh P.S. Case No. 73 of 2020 lodged under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of excise
material in the present case is 264.2 litres wine.

Learned counsel for the petitioner submits that he has
not been apprehended from the place of occurrence. His name
has figured in this case by virtue of the confessional statement
of the co-accused. He further submits that petitioner is in
custody since 04.06.2022, charge sheet has already been filed in

this case. On the point of his criminal antecedent he is ready to fulfill all the conditions whatsoever shall be imposed 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 Court of Special Judge Excise, Barh, Patna in connection with Barh P.S. Case No. 73 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 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. Here, in the present case, there are in total 6 cases pending against the petitioner including the present one and all belongs to the Barh Sub-Division lie within the territorial jurisdiction of the Patna District and Session Judge.

Let it be directed to the District and Session Judge that all the 6 cases, namely:

- i. Barh P.S. Case No. 57 of 2018 lodged under Section 37(b) of the Bihar Prohibition and Excise Act, 2016.
- ii. Barh P.S. Case No. 305 of 2021 lodged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
- iii. Barh P.S. Case No. 321 of 2022 lodged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
- iv. Barh P.S. Case No. 322 of 2022 lodged under Sections 147, 148, 188, 189, 290, 291, 353 and 504

of the I.P.C. read with Sections 43(i)(r)(s) of SC/ST Act.

v. Barh P.S. Case No. 113 of 2021 lodged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

vi. Barh P.S. Case No. 73 of 2020 lodged under Section 30(a) of the Bihar Prohibition and Excise, 2016 (present case).

shall run before same Excise Court with same date. Office is directed to communicate this order to the Patna District and Session Judge for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

sadique/-

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