

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42734 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Pintu Mahto Son of Mithelesh Mahto resident of Village- Kanhauli,
Bishundattt Bella, P.s Mithanpura, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Adv.
For the Opposite Party/s : Mr. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2022 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
Excise P.S. Case No. 7 of 2022 lodged under Section 30(a) of
Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of 115.5
litres foreign liquor was made from village Kanhauli
Bishundatt, District Muzaffarpur.

Learned counsel for the petitioner submits that
nothing has been recovered from his possession. He further
submits that his name has figured in this case by virtue of the

information provided by the informer on secret way. He submits that petitioner is in custody since 03.06.2022, charge sheet has already been filed in this case. On the point of his criminal antecedent, learned counsel submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. He further submits that in the pending case, he is on bail.

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 Court No. II, Muzaffarpur in connection with Excise P.S. Case No. 7 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 in total 2 cases (including present one) pending against the petitioner which are as follows:

- i. Mithanpura P.S. Case No. 265 of 2019 lodged under Sections 414, and 34 of the I.P.C. read with Section 30(a) of the Excise Act.
- ii. Excise P.S. Case No. 7 of 2022 lodged under Section 30(a) of the Bihar Prohibition & Excise Act (present case).

The District and Session Judge, Muzaffarpur is directed to do the needful so that both the cases above named shall run before the one Session Excise Court with same date.

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

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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