

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42882 of 2022

Arising Out of PS. Case No.-100 Year-2020 Thana- KHAJEKALA District- Patna

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Munna Ray S/O Satish Ray Resident of Village- Sidhi Ghat, P.S.- Khajekalan,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, 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
Special Case No.- 2443 of 2020 (arising out of Khajekalan P.S.
Case No. 100 of 2020) lodged under Section 30(a) of Bihar
Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery 240 litres
of country made liquor has been made from a tempo. On which
there are 2 persons alleged to sit.

Learned counsel for the petitioner submits that
petitioner has not apprehended from the place of occurrence
rather his name was disclosed by the person apprehended in this

case, namely, Gopal Kumar. He submits that the petitioner is in custody since 24.05.2021, charge sheet has already been filed in this case. On the point of his criminal antecedent, he submits that there are 4 cases pending against the present petitioner relating to same P.S. in which he is on bail. He further submits that he 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, Patna City in connection with Special Case No.- 2443 of 2020 (arising out of Khajekalan P.S. Case No. 100 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. Admittedly, there are in total 5 cases (including present one) pending against the petitioner which belongs to same P.S. lie within Territorial Division of the Patna Division and Session Judge (Patna City Division). Those cases are as follows:

- i. Khajekalan P.S. Case No. 95 of 2020 lodged under Section 30(a) of the Bihar Prohibition & Excise Amendment Act.
- ii. Khajekalan P.S. Case No. 102 of 2020 lodged under Section 30(a) of the Bihar Prohibition & Excise Amendment Act.
- iii. Khajekalan P.S. Case No. 390 of 2020 lodged under Section 30(a) of the Bihar Prohibition &

Excise Amendment Act.

iv. Khajekalan P.S. Case No. 201 of 2020 lodged under Section 30(a) of the Bihar Prohibition & Excise Amendment Act.

v. Khajekalan P.S. Case No. 100 of 2020 lodged under Section 30(a) of Bihar Prohibition & Excise Amendment Act (present case).

The District and Session Judge, Patna is directed to do the needful so that all 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 and Session Judge Patna for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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