

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42911 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- RAJAOLI District- Nawada

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Muna Rajbanshi @ Bharo Son of Kuleshwar Rajbanshi R/o Village- Hazi
Dhaw, P.S.- Narhat, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 30-08-2022 Learned counsel for the petitioner submits that due to inadvertence, the name of petitioner Munna Rajbanshi has been wrongly typed as Muna Rajbanshi. He seek permission to remove the defect.

Permission allowed to remove the defect in course of the day.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Rajauli P.S. Case No. 379 of 2021 (G.R. No. 1499 of 2021) lodged under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery 152 litres of country made Mahua wine alleged to be made on 2

motorcycles.

Learned counsel for the petitioner submits that petitioner is not 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 19.04.2022, charge sheet has already been filed in this case. On the point of his criminal antecedent, learned counsel for the petitioner submits that there are 5 criminal cases pending against the present petitioner. Out of 5 cases in 4 cases he is on bail. He also submits that he is ready fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner appears to be the habitual offender.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present, therefore, prayer for regular bail has been rejected. But he had liberty to move for bail after framing of charge in this case.

Speedy trial is the constitutional vision of justice. Admittedly, there are in total 6 cases (including present one) pending against the petitioner which belongs to same District

and Session Judge Nawada which are as follows:

- i. Akabarpur P.S. Case No. 470 of 2021 lodged under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.
- ii. Akabarpur P.S. Case No. 518 of 2021 lodged under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016.
- iii. Akabarpur P.S. Case No. 549 of 2021 lodged under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.
- iv. Narhat P.S. Case No. 264 of 2021 lodged under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.
- v. Rajauli P.S. Case No. 612 of 2021 lodged under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.
- vi. Rajauli P.S. Case No. 379 of 2021 lodged under Section 30(a) of Bihar Prohibition & Excise Act, 2016 (present case).

The District and Session Judge, Nawada 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 Judge Nawada for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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