

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56252 of 2021**

Arising Out of PS. Case No.-491 Year-2021 Thana- KANTI District- Muzaffarpur

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ARVIND KUMAR S/o PRAHALAD SAH @ PRAHLADI SAH R/o
VILLAGE-TENGRARI, P.S-SIWAIPATTI, DISTRICT-MUZAFFARPUR.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner : Ms. Bela Singh, Advocate.
For the State : Ms. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 14-02-2022 The applicant is an accused in Crime No.491 of 2021 registered with Police Station-Kanti for the offences punishable under Sections 272, 273, 120(B) of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

Heard the learned counsel appearing for the applicant/accused. By taking my attention through the F.I.R. , the learned counsel appearing for the applicant argued that the applicant was just present on the road and he is falsely implicated in the subject crime. It is further argued that the applicant is behind the bars for a period of 7 months and he is on bail in other offences alleged against him.

The Investigating Officer Mr. Gobardhan Ram who is present before the Court submits that the applicant was arrested on the spot and huge quantity of liquor apart from the cash came



to be seized by the police from possession of the applicant. The Investigating Officer submits that the applicant is having criminal antecedents.

I have considered the submissions so advanced and also perused the materials placed before me.

Bail can be granted only when the Court is assured that the applicant shall not repeat commission of similar offence in future. Following of the criminal antecedents of the applicant:

(i). Bochahan P.S. Case No.126/16 u/s 272, 273, 290 I.P.C. and 47, 47(A), 48(iii), 51, 53 Bihar Excise Amendment Act, 2016.

(ii). Siwaipatti P.S. Case No.16/18 u/s 272, 273/34 of the IPC and 30(a), 38, 41, 48 of Bihar Prohibition and Excise Act.

(iii).Siwaipatti P.S. Case No.46/19, u/s 272, 273, 120B/34 IPC & 30, 30(a), 38, 41 of Bihar Prohibition and Excise Act.

(iv). Siwaipatti P.S. Case No.73/18 u/s 272, 273 of I.P.C. and Section 30(a) of Bihar Prohibition and Excise Act.

(v). Excise Case No.64/2020, u/s 30(a) Bihar Prohibition and Excise Act.

(vi). Minapur P.S. Case No.246/20, u/s 272, 273, 414, 120B/34 IPC & 30(a), 41(i) of Bihar Prohibition and Excise Act.



It is thus seen that the applicant is repeating commission of offence of similar nature after getting his release on bail.

This Court is not assured of the fact that if the applicant is released on bail in the instant crime, he will not repeat commission of similar offence in future.

It is case of the prosecution that the police received secret information that liquor in huge quantity is being transported in a truck bearing Registration No.PB11CM6435, police raided the spot and found liquor is being shifted from the truck in a four wheeler vehicle of bolero make as well as one car which were parked near the truck. Accordingly, police seized 4843.800 liters of Indian Made Foreign Liquor and cash amounting to Rs.158000/- came to be seized from the applicant.

Considering the huge quantity of liquor seized from the applicant as well as his criminal antecedents at this stage, the applicant is not entitled for bail as this Court is not assured of the fact that the applicant would not repeat commission of similar offence in future. Therefore, this Court is of the opinion that the trial of the applicant needs be expedited in the instant case.

The application is rejected.

The trial of the subject offence be expedited. The learned



trial court is directed to commence the trial and finish it within a period of six months from the date of this order. The applicant to serve the copy of this order on the record of the learned trial court.

The Registry to also communicate this order to the learned trial court.

If the trial is not finished within a period of six months as directed by this Court, the applicant is at liberty to move afresh for seeking bail.

(A. M. Badar, J)

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