

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47319 of 2022

Arising Out of PS. Case No.-127 Year-2017 Thana- BIKRAM District- Patna

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Sushil Kumar S/o Rabindra Singh R/o village- Khoraittha, P.S.- Bikram,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Special Excise Case No. 1855 of 2017 arising out of Bikram
P.S. Case No. 127 of 2017 lodged under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2016.

As per the prosecution case, the total recovery 117
litres of Indian made foreign liquor has been made in the F.I.R.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that there were 3 persons apprehended from the place of
occurrence but petitioner has not been apprehended from the

place of occurrence. He submits that his name has figured in this case by virtue of the confessional statement of the apprehended persons. Learned counsel for the petitioner further submits that petitioner is in custody since 03.12.2021. On the point of his criminal antecedent, counsel submits that there are 5 criminal cases pending against him and he is on bail in 4 cases.

Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean.

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.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur (Patna) in connection with Special Excise Case No. 1855 of 2017 arising out of Bikram P.S. Case No. 127 of 2017, 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 be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship 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 criminal cases (including the present one), all cases relating to excise matter pending against the petitioner which belongs to the District and Session Judge Patna which are as follows:

- i. Bikram P.S. Case No. 237 of 2020.
- ii. Bikram P.S. Case No. 319 of 2021 lodged under Section 30(a) of Bihar Prohibition and Excise Act, 2018 .
- iii. Bikram P.S. Case No. 319 of 2021 lodged under Section 30(a) of Bihar Prohibition and Excise Act, 2016.
- iv. Bikram P.S. Case No. 295 of 2021.
- v. Bikram P.S. Case No. 127 of 2017. (present case).

Let the District and Session Judge Patna is directed to do the needful so that all the cases pending against the petitioner shall run before one Special Court with one date.

Let the copy of this order is communicated to the District and Session Judge Patna for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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