

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48247 of 2022

Arising Out of PS. Case No.-7 Year-2021 Thana- GANGABRIDGE District- Vaishali

Bandhan Kumar @ Krishna Kumar S/O Umesh Kumar Resident of village-
Sahdullahpur, P.S.- Gangabridge, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 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
Gangabridge P.S. Case No. 07 of 2021 lodged under Sections
30(a), 36, 41(i) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, the total recovery of 7685
litres wine is the subject matter of this case.

Learned counsel for the petitioner submits that the
said recovery was made in two vehicles, one from the truck and
another is from pickup van. Learned counsel further submits
that he is related to pickup van from which 297 litres of wine is
alleged to be recovered. Learned counsel further submits that he

has given his vehicle to the driver and the driver without his permission have done such illegal act for which he is unnecessarily be suffered. Learned counsel for the petitioner submits that he is the owner of the pickup van and he was apprehended from the place of occurrence. Learned counsel further submits that he is in custody since 23.03.2022. On the point of his criminal antecedent, learned counsel submits that there are 4 criminal cases pending against him and he is on bail in all the 4 cases.

Learned counsel for the State opposes the prayer for bail and submits that out of 5 pending cases against the petitioner, he is accused related to excise matter in 3 cases of same P.S.

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 Exclusive Special Excise Court No.1-cum- Additional District and Sessions Judge, Vaishali at Hajipur in connection with Gangabridge P.S. Case No. 07 of 2021, 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) pending against the petitioner which belongs to the District and Sessions Judge, Vaishali at Hajipur which are as follows:

- i. Gangabridge P.S. Case No. 76 of 2018
- ii. Gangabridge P.S. Case No. 117 of 2021
- iii. Gangabridge P.S. Case No. 23 of 2022
- iv. C2a P.S. Case no. 26 of 2022

v. Gangabridge P.S. Case No. 07 of 2021 (present case).

Let the District and Sessions Judge, Vaishali at Hajipur is directed to do the needful so that all the cases shall run before one Special Court with one date.

Let the copy of this order is communicated to the District and Session Judge, Vaishali at Hajipur for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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