

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47795 of 2022

Arising Out of PS. Case No.-386 Year-2022 Thana- ALAMGANJ District- Patna

Lakhan Ram Son of Krishna Ram, R/o Village- Meena Bazar, Domkhana,
P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, 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
Alamganj P.S. Case No. 386 of 2022, lodged under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the total recovery of 568
liters of country made liquor is the subject matter relating to the
present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that the alleged recovery was not made from the
conscious possession of petitioner, rather it has been made from

a place situated nearby a pond which is a public place. He also submits that petitioner is in custody since 06.06.2022. On the point of criminal antecedent, learned counsel for the petitioner submits that there are in total 5 criminal cases pending against him, in which he is on bail in all 5 cases.

Learned counsel for the State opposes the prayer for bail and submits that there is criminal antecedent of petitioner.

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, Patna in connection with Alamganj P.S. Case No. 386 of 2022, 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 6 criminal cases pending against the present petitioner (including present one) and all cases belongs to District and Sessions Judge, Patna. The chart of all those cases are as follows :-

1. Alamganj P.S. Case No. 763/2021.
2. Alamganj P.S. Case No. 767/2021.
3. Alamganj P.S. Case No. 857/2021.
4. Alamganj P.S. Case No. 901/2021.
5. Alamganj P.S. Case No. 72/2022.
6. Alamganj P.S. Case No. 386/2022.

The District and Sessions Judge, Patna is directed to do the needful so that all criminal cases relating to Excise Act shall run before one Special Court with one date.

Let a copy of this order is communicated to District and Sessions Judge, Patna for information and necessary

compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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