

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49437 of 2022

Arising Out of PS. Case No.-384 Year-2021 Thana- NAWADA District- Nawada

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LAKSHMAN YADAV @ LAKSHMAN KUMAR Son of Rajendra Yadav @
Rajendra Prasad, Resident of Village - Nehaluchak, P.S.- Nawada, Distt.-
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2022 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.

The petitioner seeks regular bail in connection with
Nawada (Town) P.S. Case No. 384 of 2021 lodged under
Sections 33/34/36/44 of the Bihar Prohibition and Excise Act,
2016.

As per the prosecution case, the allegation of selling
spurious liquor is against the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned
Counsel further submits that petitioner is remanded in this case

only due to the reason that some persons have died due to consuming of spurious liquor and thereafter police have made accused him in this case. He further submits that there are more cases against the petitioner, in some cases he is on bail and in some cases he is persuading for bail and about some cases he has apprehension that he may be remanded in those cases, so not disclosing no. of case.

Learned counsel for the State opposes the prayer for bail and submits that the cases arises from Nawada P.S. case No. 372 of 2021 in which the king pen is Arvind Yadav against whom the allegation is that he used to call the spirit from Calcutta and prepared the spurious wine and then used to sell to some different persons with the help of the petitioner and others and on his confessional statement such type of spurious liquor was recovered from the house of different accused persons.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner in this case at this stage. But liberty is hereby granted to the petitioner to move his prayer for bail after framing of charge. Trial Court is directed to release the petitioner on bail imposing its own conditions so that he may not evade his appearance during trial, after framing of charge in

this case.

Trial Court is directed to conduct the trial as early as possible preferably within one year from the date of framing of charge.

Speedy trial is the constitutional vision of justice. Admittedly, there are in total 20 criminal cases of Bihar Prohibition and Excise matter (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, Nawada which are as follows:

- i. Nawada (Kadirganj) P.S. Case No. 856 of 2020
- ii. Nawada (Town) P.S. Case No. 373 of 2021
- iii. Nawada (Town) P.S. Case No. 374 of 2021
- iv. Nawada (Town) P.S. Case No. 375 of 2021
- v. Nawada (Town) P.S. Case No. 376 of 2021
- vi. Nawada (Town) P.S. Case No. 377 of 2021
- vii. Nawada (Town) P.S. Case No. 378 of 2021
- viii. Nawada (Town) P.S. Case No. 382 of 2021
- ix. Nawada (Town) P.S. Case No. 383 of 2021
- x. Nawada (Kadirganj) P.S. Case No. 856 of 2020
- xi. Nawada (Town) P.S. Case No. 387 of 2021
- xii. Nawada (Town) P.S. Case No. 679 of 2021
- xiii. Nawada (Town) P.S. Case No. 680 of 2021

- xiv. Nawada (Town) P.S. Case No. 681 of 2021
- xv. Nawada (Town) P.S. Case No. 682 of 2021
- xvi. Nawada (Town) P.S. Case No. 740 of 2021
- xvii. Nawada (Town) P.S. Case No. 745 of 2021
- xviii. Nawada (Town) P.S. Case No. 132 of 2018
- xix. Nawada (Town) P.S. Case No. 372 of 2021
- xx. Nawada (Town) P.S. Case No. 384 of 2021

Let the District and Sessions Judge, Nawada is directed to do the needful so that all the cases pending against the petitioners shall run before Special Court with one date.

Let the copy of this order is communicated to the District and Sessions Judge, Nawada for information and necessary compliance.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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