

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50810 of 2022**

Arising Out of PS. Case No.-83 Year-2022 Thana- MADHUBANI TOWN District-  
Madhubani

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Jay Prakash Roy @ Wakil Roy S/o Harihar Roy R/o village- Machhahatta  
Chowk Bahaura, P.S.- Town, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Adv.  
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      14-10-2022                      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  
Madhubani P.S. Case No. 83 of 2022 lodged under Sections  
272, 273/34 of the I.P.C. read with Section 30(a) of Bihar  
Prohibition and Excise Act.

As per the prosecution case, the total recovery of  
66.600 litres of Nepali wine has alleged to be made in the  
present case.

Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. He submits

that from the Seizure list, it transpires that recovery was made near Hawai adda. Learned counsel for the petitioner further submits that he is in custody since 24.07.2022 and his name has figured in this case by virtue of disclosure made by the villagers. He also submits that there are 4 criminal cases pending against him which are related to Excise Act but he is on bail in all the 4 cases. Learned counsel for the petitioner submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that petitioner has criminal antecedent.

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 Addl. Session Judge- II Madhubani in G.R. No. 327 of 2022 in connection with Madhubani Town P.S. Case No. 83 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 in total 5 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, Madhubani which are as follows:

- i. Madhubani P.S. Case No. 390 of 2017.
- ii. Madhubani Town P.S. Case No. 406 of 2021.
- iii. Madhubani P.S. Case No. 76 of 2022.
- iv. Madhubani P.S. Case no. 96 of 2021.
- v. Madhubani Town P.S. Case No. 83 of 2022 (present case).

Let the District and Sessions Judge, Madhubani is directed to do the needful so that all the magisterial triable cases

or sessions triable cases prior to commitment shall run before one Magistrate with one date and all sessions triable cases after commitment, shall run before one Session Court with one date.

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

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

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