

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50876 of 2022

Arising Out of PS. Case No.-495 Year-2021 Thana- PHULPARAS District- Madhubani

Amarjeet Mandal Son of Arun Mandal, R/V- Parsa, P.S- Arariya Sangram
(O.P), Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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 through virtual mode.

The petitioner seeks regular bail in connection with
Fulparas P.S. Case No. 495 of 2021 lodged under Section 30(a) of
Bihar Prohibition and Excise Act.

As per prosecution, total recovery of 432 liters of
foreign liquor were alleged to be made from Janki Janta *Uchh*
Vidyalaya.

Learned counsel for the petitioner submits that
petitioner has not apprehended from the place of occurrence and
nothing was recovered from his possession. Learned counsel
further submits that petitioner is in custody since 21.07.2022,
charge sheet has already been filed and there are 3 criminal cases
pending against the petitioner, all belong to excise matter but he is

on bail in all cases.

Learned counsel for the State opposes the prayer for bail and submits that petitioner is accused in this case and having criminal antecedent.

In the present facts and circumstances of the 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 Judge Excise Act, Jhanjharpur in connection with Fulparas P.S. Case No. 495 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 an 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 4 cases pending against the present petitioner including present one and all the 4 cases belong to same P.S. The cases are of Madhubani district, which are as follows :-

1. Fulparas P.S. Case No. 71 of 2018,
2. Fulparas P.S. Case No. 108 of 2018,
3. Fulparas P.S. Case No. 168 of 2018,
4. Fulparas P.S. Case No. 495 of 2021.

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

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

With these observations, the bail application stands allowed.

(Dr. Anshuman, J.)

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