

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51178 of 2022

Arising Out of PS. Case No.-323 Year-2022 Thana- KAHALGAON District- Bhagalpur

Ranjan Mandal @ Ranjan Kumar S/O Late Bilash Mandal, Resident Of
Village- Saitpura Kulkuliya, P.S.- Kahagaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, 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
Kahalgaon P.S. Case No. 323 of 2022 lodged under Section
30(a) of the Bihar Prohibition and Excise Amendment Act,2018.

As per prosecution case, the total recovery subject to
this case is 10 liters of desi wine.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. The said
country made liquor was not recovered from the possession of
the petitioner rather it is alleged to be recovered from out side of
the house of the petitioner kept in straw (*Puwal*). He further

submits that petitioner is in custody since 16.04.2022 having four criminal antecedent but he is on bail in all four cases and ready to fulfill all the conditions whatsoever shall be imposed upon him by the court.

Learned counsel for the State opposes the prayer for bail.

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 A.D.J.XII-cum-Special Excise Judge Court No.II, Bhagalpur in connection with Kahalgaon P.S. Case No. 323 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 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 5 cases pending against the present petitioner including present one and all the 5 cases belongs to the District and Sessions Judge, Bhagalpur which are as follows :-

1. Kahalgaon P.S. Case No. 751 of 2019,
2. Kahalgaon P.S. Case No. 465 of 2020,
3. Kahalgaon P.S. Case No. 280 of 2022,
4. Kahalgaon P.S. Case No.263 of 2022,
5. Kahalgaon P.S. Case No. 323 of 2022.

Let the District and Sessions Judge, Bhagalpur 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, Bhagalpur for his information and necessary compliance.

With this observation, the bail application stands

allowed.

(Dr. Anshuman, J.)

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