

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51715 of 2022

Arising Out of PS. Case No.-777 Year-2021 Thana- FATUA District- Patna

Radhe Shyam Kumar @ Radhe Shyam @ Radhe Shyam Yadav S/o Late
Kamla Prasad @ Late Kamal Sharan Singh R/o village- Ranipur, P.S.- Fatuha,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, 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
Fatuha P.S. Case No. 777 of 2021, lodged under Sections
30(a)/56(c) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the total recovery of 25 liter
of desi mahua wine has been made in the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that from the seizure list, it transpires that the alleged
recovery was made near a place situated in front of grill shop of

Shiv Kumar Sharma. Learned counsel for the petitioner further submits that name of petitioner has been disclosed on the basis of secret informant. He further submits that petitioner is in custody since 26.06.2022 and there are two criminal cases pending against him and both cases belongs to Excise Act. He further submits that petitioner 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 Exclusive Special Judge, Excise, Patna City, Patna in connection with Fatuha P.S. Case No. 777 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 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. From the records, it transpires that there are 3 criminal cases pending against the present petitioner and all cases are of Excise Act which belongs to District and Sessions Judge, Patna. The chart of all those cases are as follows :-

1. Fatuha P.S. Case No. 476/2017.
2. Fatuha P.S. Case No. 502/2020.
3. Fatuha P.S. Case No. 777/2021.

The District and Sessions Judge, Patna is directed to do the needful so that all cases shall run before one Excise 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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