

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51664 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- CHHAURADANO District- East
Champaran

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Birendra Sah @ Virendra Prasad Son Of Late Sri Sah R/V Dhapahar, P.S.-
Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Adv.
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, 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 through virtual mode.

The petitioner seeks regular bail in connection with
Chhauradano P.S. Case No. 78 of 2022, lodged under Sections
188, 272, 273, 420, 308 of Indian Penal Code read with Sections
30(a), 32, 41(i) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the recovery of 570 liter of
Nepali wine was made near Kudarkat tear river where the
'*Khatal*' of Prem Shankar Yadav is situated.

Learned counsel for the petitioner submits that
petitioner is not apprehended from the place of occurrence, he
was arrested later on in this case. He further submits that
petitioner is in custody since 24.05.2022, there is two criminal

cases pending against him in which he is on bail and both cases belongs to Excise Act.

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 Excise Court No.2, East Champaran, Motihari in connection with Chhauradano P.S. Case No. 78 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. 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, East Champaran at Motihari. The chart of all those cases are as follows :-

1. Chhauradano P.S. Case No. 62/2019.
2. Chhauradano P.S. Case No. 181/2020.
3. Chhaurdano P.S. Case No. 78/2022.

The District and Sessions Judge, East Champaran at Motihari 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, East Champaran at Motihari for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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