

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51875 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- NAUTAN District- Siwan

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Shubham Singh @ Shubham Kumar S/o Ramesh Singh Resident of Village-
Ramgadh, P.O.- Ramgadh, P.S.- Nautan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Adv.

For the Opposite Party/s : Mr. Renu Kumari, 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
Nautan P.S. Case No. 105 of 2021, lodged under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the total recovery of 108
liters of wine was alleged to be made.

Learned counsel for the petitioner submits that from
the seizure list annexed with the F.I.R., it transpires that the said
recovery was made from the house of one Shailesh Chauhan. He
further submits that the recovery was not made from the
possession of petitioner. He also submits that the name of

petitioner was disclosed by Chaukidar in this case but recovery was not made from his possession. He further submits that petitioner is in custody since 04.06.2022. Learned counsel for the petitioner further submits that the informant of this case is the Police and due to his criminal antecedent, name of petitioner was again given by the Police in this case. 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 is a man of criminal antecedents.

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 Judge-2, Siwan in connection with Nautan P.S. Case No. 105 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 5 criminal cases pending against the present petitioner and out of 5 cases, 4 cases are of Excise Act and all cases belongs to District and Sessions Judge, Siwan. The chart of all those cases are as follows:-

1. Nautan P.S. Case No. 105/2019.
2. Nautan P.S. Case No. 75/2021.
3. Nautan P.S. Case No. 228/2020.
4. Nautan P.S. Case No. 105/2021.

The District and Sessions Judge, Siwan is directed to do the needful so that all criminal cases pending against the petitioner shall run before one Excise Court with one date.

Let a copy of this order is communicated to District and Sessions Judge, Siwan for information and necessary

compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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