

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52346 of 2022

Arising Out of PS. Case No.-213 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Nagina Rai S/o Jagdish Rai, R/o village- Lal Imali, P.S.- Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Special Case No. 4575 of 2021 arising out of Chowk P.S. Case No.213 of 2021 lodged under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, total recovery of 35 litre country made liquor is subject matter of the present case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner has not been apprehended from the place of occurrence and name of the petitioner has figured in this case

from the confessional statement of the co-accused. Counsel further submits that petitioner is in custody since 25.07.2022 and charge sheet has already been filed.

Learned counsel for the State opposes the prayer for bail and submits that there is criminal antecedent of the petitioner and under same P.S.. There are 5 criminal cases pending against the petitioner (including present one) and petitioner is on bail in 4 cases.

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 Special Judge, Excise, Patna City, Patna in connection with Special Case No. 4575 of 2021 arising out of Chowk P.S. Case No. 213 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, his bail bond shall be cancelled.

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 be involved in such criminal activity during the continuance of present bail bond. Violation of this condition shall result 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 the present one) and all the 5 cases belong to the District Sessions Judge, Patna which are as follows :-

1. Chowk P.S. Case No. 09 of 2020,
2. Chowk P.S. Case No. 75 of 2020,
3. Chowk P.S. Case No. 142 of 2021,
4. Chowk P.S. Case No. 213 of 2021,
5. Chowk P.S. Case No. 213 of 2021.

Let the District and Sessions Judge, Patna be directed to do the needful, so that all the cases which are magisterial triable or sessions triable prior to commitment shall run before one Magistrate with one date and the cases which are sessions triable after commitment shall run before one session court with one date and special cases, if any, shall run before the Special

Court with one date.

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

With these observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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