

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52448 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- MAHUA District- Vaishali

Arvind Kumar @ Arvind Singh Son Of Ram Ishwar Singh R/O Village -
Garjaul Paharpur, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratima Kumari, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-10-2022 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.

The petitioner seeks regular bail in connection with
Mahua P.S. Case No. 393 of 2022 lodged under Sections 414/34
of the I.P.C. read with Sections 30(a)/ 32(ii) / 34(ii)/ 38(ii)/ 41(i)
of the Bihar Prohibition and Excise Act.

As per the prosecution case, the total recovery of
1,347.84 litres of foreign liquor has alleged to be made from
truck and Pickup van.

Learned counsel for the petitioner submits that he has
not apprehended from the place of occurrence. He further

submits that he is neither owner nor driver of the truck. He also submits that the petitioner is in custody since 10.08.2022. Charge sheet has already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that there are 2 cases of same nature pending against him in which he is on bail in one case and persuading for bail in another case.

Learned counsel for the State opposes the prayer for bail.

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 Excise Court No.2 -cum- Additional Sessions Judge Vaishali at Hajipur in connection with Mahua P.S. Case No. 393 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. Admittedly, there are in total 3 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, Vaishali at Hajipur which are as follows:

- i. Mahua P.S. Case No. 713 of 2020.
- ii. Mahua P.S. Case No. 395 of 2021.
- iii. Mahua P.S. Case No. 393 of 2022 (present case)

Let the District and Sessions Judge, Vaishali at Hajipur is directed to do the needful so that all the special cases shall run before one Special Court with one date.

Let the copy of this order is communicated to the District and Session Judge, Vaishali at Hajipur for perusal and

necessary compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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