

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52983 of 2022

Arising Out of PS. Case No.-224 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Sikandar Kewat Son of Kailash Kewat R/V- Gangta, P.S- Lakhisarai (Amahra
O.P) Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr. Anita Kumari, APP

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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
Excise Case No. 224 C2 of 2019 lodged under Sections 30(a),
32, 41, 56(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, the total recovery of 2
litres country made liquor and 40 litres *Jawa Mahua* is made in
this case.

Learned counsel for the petitioner submits that he has
not been apprehended from the place of occurrence. He submits
that his name has figured in this case only and only due to the

confessional statement of one Usha Devi. Learned counsel further submits that the petitioner is in custody since 12.07.2022 having 3 criminal cases pending against him. Out of 3 cases, in one case he is on bail and rest 2 cases, he is persuading bail.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner have 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 Additional Sessions Judge-V-cum-Exclusive Special Court No. 2, Excise Act, Lakhisarai in connection with Excise Case No. 224 C2 of 2019, 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 4 criminal cases (including the present one) pending against the petitioner and all belongs to the same P.S. and lie within the territorial jurisdiction of District and Session Judge Lakhisarai which are as follows:

- i. Lakhisarai (Amahra O.P.) P.S. Case No. 772 of 2019 lodged under Section 30(a) of Bihar Prohibition and Excise Act.
- ii. Lakhisarai (Amahra O.P.) P.S. Case No. 850 of 2019 lodged under Section 30(a)(b) of Bihar Prohibition and Excise Act.
- iii. Lakhisarai (Amahra O.P.) P.S. Case No. 66 of 2020 lodged under Section 30(a) of Bihar Prohibition and Excise Act.
- iv. Excise Case No. 224 C2 of 2019 lodged under Sections 30(a), 32, 41, 56(a) of Bihar Prohibition and

Excise Act. (present case).

Let the District and Session Judge Lakhisarai is directed to do the needful so that all the cases shall run before the same Special Court with one date.

Let the copy of this order is communicated to the District and Session Judge Lakhisarai for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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