

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52390 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- GURUA District- Gaya

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Kamlesh Yadav Son Of Sita Ram Yadav @ Sitaram Yadav R/O Village- Jai
Nagar, P.S.- Gurua, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, 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
Gurua P.S. Case No. 80 of 2022 lodged under Sections 30(a)(c)
of the Bihar Prohibition and Excise Act.

As per the prosecution case, 300 litres country made
liquor has recovered in this case.

Learned counsel for the petitioner submits that from
the seizure list, it transpires that the said recovery has been
made in the mountain area of village Jainagar. He further
submits that the recovery has not been made from his
possession. His name has figured in this case by virtue of the

indication made by the local chaukidar. Learned counsel for the petitioner submits that petitioner is in custody since 30.07.2022 and there are 2 criminal cases pending against him in which he is persuading bail. Learned counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

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 Exclusive Special Judge Excise, Gaya in connection with Gurua P.S. Case No. 80 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. It transpires from the record that there are in total 3 criminal cases (including the present one) pending against the petitioner and all cases belongs to Bihar Prohibition and Excise Act which belongs to the District and Session Judge Gaya which are as follows:

- i. Gurua P.S. Case No. 135 of 2022 lodged under Section 30(a) of the Bihar Prohibition and Excise Act.
- ii. Gurua P.S. Case No. 150 of 2021 lodged under Section 30(a) of the Bihar Prohibition and Excise Act.
- iii. Gurua P.S. Case No. 80 of 2022 lodged under Sections 30(a)(c) of the Bihar Prohibition and Excise Act. (present case).

Let the District and Session Judge Gaya is directed to do the needful so that all the cases pending against the petitioner related to special case shall run before one Special Court with same date.

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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