

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52665 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- FATUA District- Patna

Vikki @ Vikki Kumar @ Vicki Kumar @ Sanjay Kumar Son Of Brij Rai
Yadav @ Late Brij Raj Prasad Yadav @ Nagina Prasad, Resident Of Village-
Shisha Mill, Patel Nagar, Sonaru, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 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 through virtual mode.

The petitioner seeks regular bail in connection with
Fatuha P.S. Case No. 31 of 2022 lodged under Sections 30(a)
and 56(c) of the Bihar Prohibition and Excise (Amendment)
Act, 2016.

As per prosecution case, total recovery of 1134 liters
of foreign liquor is the subject matter of the present case.

Learned counsel for the petitioner submits that it is a
unique case. He further submits that the name of the petitioner
has figured in this case under wrong impression due to the

reason that on the said date of occurrence petitioner was already in judicial custody. He further submits that there are 4 criminal cases pending against the petitioner and he is on bail in 3 cases at present and in one case he is persuading for bail. He further submits that petitioner is in custody since 01.08.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that there is criminal antecedent of the petitioner and total 5 criminal cases pending against him and all cases belong to the same P.S..

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, Patnacity in connection with Fatuha P.S. Case No. 31 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 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 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 5 criminal cases pending against the present petitioner (including present one) and all the 5 cases belong to the District Sessions Judge, Patna which are as follows :-

1. Fatuha P.S. Case No. 679 of 2021,
2. Fatuha P.S. Case No. 519 of 2017,
3. Fatuha P.S. Case No. 553 of 2017,
4. Fatuha P.S. Case No. 1012 of 2021,
5. Fatuha P.S. Case No. 31 of 2022.

Let the District and Sessions Judge, Patna is 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 observations, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--