

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53000 of 2022

Arising Out of PS. Case No.-190 Year-2017 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Rajesh Singh @ Rajesh Kumar S/O Late Ram Narayan Singh Resident of
Village- Khamhar, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-10-2022 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
Cheriya Bariyarpur P.S. Case No. 190 of 2017 lodged under
Sections 290 of the I.P.C. and Section 30 (a) of Bihar
Prohibition and Excise Act, 2016.

As per the prosecution case, the total recovery of
1123.56 liters of foreign liquor has been made from a Bolero
pickup van and case has been filed against the driver and owner
of the vehicle.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R and his name has come by

virtue of confessional statement of co-accused.

Learned counsel for the petitioner submits that nothing was recovered from the possession of the petitioner. He further submits that petitioner is in custody since 26.05.2022 having 7 criminal cases against him (including the present one) and out of 7 cases, he on bail in all the cases except 1 case. He further submits that 6 cases are relating to Bihar Prohibition and Excise Act and they belongs to district of Begusarai. Charge sheet has already been filed in this 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 Exclusive Excise Judge-1, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 190 of 2017, 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 7 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, Begusarai which are as follows:

- i. Mufassil P.S. Case No. 288 of 2018.
- ii. Mufassil P.S. Case No. 79 of 2018.
- iii. Mufassil P.S. Case No. 147 of 2018.
- iv. Mufassil P.S. Case No. 255 of 2018.
- v. Mufassil P.S. Case No. 48 of 2018.
- vi. Mufassil P.S. Case No. 321 of 2018.
- vii. Cheriya Bariyarpur P.S. Case No. 190 of 2017
(present case)

Let the District and Sessions Judge, Begusarai is directed to do the needful so that all the magisterial triable cases or sessions triable cases prior to commitment shall run before one Magistrate with one date and all sessions triable cases after commitment, shall run before one Session Court with one date.

Let the copy of this order is communicated to the District and Sessions Judge, Begusarai for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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