

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52942 of 2022

Arising Out of PS. Case No.-699 Year-2020 Thana- ARARIA District- Araria

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Murshid @ Md Murshid Alam Son Of Late Md Alim Resident Of Village
Farsara Police Station Dalkola District Uttar Dinajpur West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-11-2022 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
Special Case No. 708 of 2020 arising out of Araria P.S. Case
No. 699 of 2020 lodged under Section 30(a) of Bihar
Prohibition and Excise Act.

As per the prosecution case, total recovery of 8200
litre spirit is the subject matter of the present case.

Learned counsel for the petitioner submits that the
said spirit has been recovered from a truck and he is neither
owner nor driver nor *khalasi* of the truck. Counsel for the
petitioner further submits that petitioner is in custody since

13.01.2022. Counsel further submits that he was actually granted anticipatory bail in the present case but due to mistake, he could not furnish the bail bond. As such, he is moving for regular bail in this case. Learned counsel further submits that there are in total 19 criminal cases pending against the petitioner and as per the version of the petitioner, in some cases he has been granted bail and in some cases he is persuading for bail. Counsel for petitioner 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-Court No.1, Araria in connection with Special Case No. 708 of 2020 arising out of Araria P.S. Case No. 699 of 2020, 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 20 criminal cases (including the present one) pending against the petitioner which belongs to the different districts and different P.Ss. which is being clear from the tabular chart shown below. Some cases are running singly in other districts which are not mentioned herein below:

District and Sessions Judge, Purnia	District and Sessions Judge, Kishanganj	District and Sessions Judge, Saran	District and Sessions Judge, East Champaran
i. Baisi P.S. Case No. 240 of 2017. ii. Baisi P.S. Case No. 14 of 2018. iii. Baisi P.S. Case No. 222 of 2019. iv. Baisi P.S. Case No. 238	i. Kochadhaman P.S. Case No. 09 of 2021. ii. Kochadhaman P.S. Case No. 10 of 2021. iii. Kochadhaman P.S. Case No.	i. Garkha (Saran) P.S. Case No. 132 of 2020. ii. Garkha (Saran) P.S. Case No. 458 of 2020.	i. Pipara (Motihari) P.S. Case No. 51 of 2020. ii. Sugauli (East Champaran) P.S. Case No. 169 of 2020.h

of 2019. v. Baisi P.S. Case No. 261 of 2019. vi. Baisi P.S. Case No. 257 of 2021. vii. Baisi P.S. Case No. 336 of 2021.	18 of 2021. iv. Bahadurganj Kishanganj P.S. Case No. 07 of 2021.		
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Let the District and Sessions Judge Purnia, District and Sessions Judge Kishanganj, District and Sessions Judge Saran and District and Sessions Judge East Champaran are directed to do the needful so that all the criminal cases pending against the petitioner shall run before one Special Court in their respective districts with respective dates.

Let the copy of this order is communicated to the District and Sessions Judge Purnia, District and Sessions Judge Kishanganj, District and Sessions Judge Saran and District and Sessions Judge East Champaran for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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