

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52960 of 2022

Arising Out of PS. Case No.-1012 Year-2021 Thana- FATUA District- Patna

Vikki @ Vikki Kumar @ Vicki Kumar @ Sanjay Kumar S/O 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. Ajay Kumar No.2, APP

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
Fatuha P.S. Case No. 1012 of 2021 lodged under Sections 30(a)
& 56(c) of Bihar Prohibition and Excise Amendment Act, 2016.

As per prosecution, total recovery of 59.025 liters of
foreign liquor has been made in this case.

Learned counsel for the petitioner submits that
petitioner has not been apprehended from the place of occurrence,
and his name has figured by virtue of the person who has been
apprehended by the police in this case. He further submits that
petitioner is in custody since 10.08.2022 and on the point of
criminal antecedent, learned counsel submits that there are 4

criminal cases pending against him and he is on bail in 1 case and persuading for bail in other 3 cases.

Learned counsel for the State opposes the prayer for bail and submits that petitioner is not a man of clean antecedent.

In the present facts and circumstances of the 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, Patna City in connection with Fatuha P.S. Case No. 1012 of 2021, 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 cases pending against the present petitioner including present one and all the 5 cases belongs 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. 31 of 2022.
5. Fatuha P.S. Case No. 1012 of 2021.

Let the District and Sessions Judge, Patna is directed to do the needful, so that all the special cases shall run before one Special Court with same 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/-

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