

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52934 of 2022

Arising Out of PS. Case No.-201 Year-2020 Thana- PATNA CITY CHOWK District- Patna

Prince Jaiswal @ Prince Kumar Son of Late Jaiswal @ Late Lalan Prasad
Jaiswal Resident of Village - Humad Gali, P.S.- Chowk, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 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 (Excise) Case No. 3845 of 2020 arising out of Chowk
P.S. Case No. 201 of 2020 lodged under Section 30(a) of Bihar
Prohibition and Excise Act.

As per the prosecution case, total recovery of 10.125
litre foreign liquor and 58 litre *Mahua* liquor has been made,
which is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
submits that petitioner was not apprehended from the place of

occurrence. His name has figured in this case by virtue of the disclosure of his enemy villagers. Counsel submits that petitioner is in custody since 19.05.2022. There are 4 criminal antecedent of the petitioner and in all cases he is on bail. Counsel further submits that the alleged recovery as per seizure list was not made from the petitioner rather it has been made from public place near Shiv Mandir.

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 Special Judge Excise, Patna City in connection with Special Case No. 3845 of 2020 arising out of Chowk P.S. Case No. 201 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 5 criminal cases (including the present one) pending against the petitioner which belong to the District and Session Judge Patna which are as follows:

- i. Chowk P.S. Case No. 118 of 2018 lodged under Sections 302, 34 of I.P.C.
- ii. Chowk P.S. Case No. 118 of 2021 lodged under Sections 385, 379 of I.P.C.
- iii. Chowk P.S. Case No. 204 of 2020 lodged under Article 11 G. Act.
- iv. Chowk P.S. Case No. 56 of 2020 lodged under Article 11 G. Act.
- v. Chowk P.S. Case No. 201 of 2020 lodged under

Section 30(a) of Bihar Prohibition and Excise Act.
(present case).

Let the District and Session Judge Patna be directed to
do the needful so that all the cases pending against the petitioner
shall run before one Special Court with one date.

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

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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