

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52359 of 2022**

Arising Out of PS. Case No.-44 Year-2022 Thana- BISHUNPUR District- Darbhanga

Hitesh Singh @ Hemkant Singh Son of Late Shashi Bhushan Singh Resident  
of village - Rampurdih, P.S.- Bishanpur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Iqbal Asif Niazi, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      14-10-2022                      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  
Bishanpur P.S. Case No. 44 of 2022 lodged under Sections 414,  
467, 468 of the I.P.C. read with Section 25(1-b)a, 26 of Arms  
Act and Sections 41, 48, 52 of Bihar Prohibition & Excise  
(Amendment) Act, 2018.

As per the prosecution case, the recovery of loaded  
pistol, 4 live cartridges, one Pulsor Motorcycle, Aadhar Card,  
payment card and bracelet used to be made.

Learned counsel for the petitioner submits that from  
the seizure list, it transpires that no excise material was

recovered in the present case which is crystal clear from the seizure list itself. Learned counsel further submits that the alleged recovery of arms used to be made from the possession of one Ronak Singh and not from the possession of the petitioner. He further submits that the said Ronak Singh has disclosed that he alongwith the present petitioner used to do business of wine selling. Only due to this reason, the name of petitioner has figured in this case. Learned counsel submits that he is in custody since 29.04.2022 and there are 6 criminal cases pending against him but he is in bail on 5 cases and remanded in 6<sup>th</sup> Case. Learned counsel submits that he 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-1, (Excise Act), Darbhanga in connection with Bishanpur P.S. Case No. 44 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 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. It transpires from record that there are in total 7 criminal cases (including the present one) pending against the petitioner, out of 7 cases, 6 cases belongs to the District and Session Judge Darbhanga which are as follows:

- i. Bishanpur P.S. Case No. 33 of 2017 lodged under Section 30(a) of Excise Act.
- ii. Simri P.S. Case No. 140 of 2017 lodged under Section 30(a) of Excise Act.
- iii. Bishanpur P.S. Case No. 139 of 2019 lodged

under Section 30(a) of Excise Act.

iv. Simri P.S. Case No. 296 of 2021 lodged under Section 30(a) of Excise Act.

v. Bishanpur P.S. Case No. 59 of 2021 lodged under Sections 272, 273 of I.P.C. & 30(a) of Excise Act.

vi. Bishanpur P.S. Case No. 44 of 2022 lodged under Sections 414, 467, 468 of the I.P.C. read with Section 25(1-b)a, 26 of Arms Act and Section 41, 48, 52 of Bihar Prohibition & Excise (Amendment) Act, 2018.  
(present case).

Let the District and Session Judge Darbhanga is directed to do the needful so that all 6 cases including the present one shall run before the same Special Court with one date.

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

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

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