

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53485 of 2022

Arising Out of PS. Case No.-395 Year-2021 Thana- MAHUA District- Vaishali

Arvind Kumar @ Arvind Singh S/O Ramishwar Singh Resident of village-
Garjaul Paharpur, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Adv.

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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
Mahua P.S. Case No. 395 of 2021 lodged under Sections 30(a),
32(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise
Amendment Act, 2018 read with Sections
272/273/420/467/468/414 of the I.P.C.

As per the prosecution case, the total recovery of
399.240 litres of Indian made foreign liquor has been made in
this case.

Learned counsel for the petitioner submits that the
petitioner has named in the F.I.R. The said recovery was made

from Scorpio, Tata magic vehicle and motorcycle. Learned counsel for the petitioner submits that petitioner is neither owner nor driver of the said vehicle. He submits that his name has figured in this case by virtue of confessional statement of apprehended co-accused persons. Learned counsel for the petitioner submits that he is in custody since 29.07.2022 having 2 criminal cases pending against him and in both the cases, he is on bail.

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 Excise Court No.2-cum- Additional District and Sessions Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 395 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 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 the record that there are in total 3 criminal cases (including the present one) pending against the petitioner which belongs to the same District and same P.S. The details of those cases are as follows:

- i. Mahua P.S. Case No. 713 of 2020.
- ii. Mahua P.S. Case No. 393 of 2022.
- iii. Mahua P.S. Case No. 395 of 2021(present case)

Let the District and Sessions Judge, Vaishali at Hajipur is directed to do the needful so that all the special cases shall run before Special court with one date.

Let the copy of this order is communicated to the

District and Session Judge, Vaishali at Hajipur for perusal and
necessary compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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