

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53265 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- DUMRA District- Sitamarhi

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Kundan Kumar @ Kundan Mahto S/O Late Ram Pravesh Mahto Resident of
village- Prem Nagar, P.S.- Runnisadpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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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.

The petitioner seeks regular bail in connection with
Dumra P.S. Case No. 194 of 2021 lodged under Section 414 of
the I.P.C. and Sections 30(a)/36/41(i) of the Bihar Prohibition
and Excise Act, 2016.

As per the prosecution case, total recovery of
1861.800 liters of foreign liquor has been made from a truck in
this case.

Learned counsel for the petitioner submits that
petitioner was not apprehended from the place of occurrence.
He further submits that the petitioner is neither the owner nor

the driver of the truck and on his name has occurred in this case by virtue of confessional statement of the co-accused.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 18.04.2022 having 4 criminal cases pending against him and in some cases, he is on bail and in some cases, he is persuading for bail. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner has criminal antecedent.

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-1, Sitamarhi in connection with Dumra P.S. Case No. 194 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. Admittedly, there are in total 5 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, Sitamarhi which are as follows:

- i. Dumra P.S. Case No. 180 of 2020
- ii. Dumra P.S. Case No. 14 of 2021
- iii. Dumra P.S. Case No. 126 of 2022
- iv. Dumra P.S. Case No. 491 of 2020
- v. Dumra P.S. Case No. 194 of 2021 (present case)

Let the District and Sessions Judge, Sitamarhi is directed to do the needful so that all the magisterial triable cases or sessions triable cases prior to commitment shall run before

one Magistrate with one date and all sessions triable cases after commitment, shall run before one Session Court with one date.

Let the copy of this order is communicated to the District and Sessions Judge, Sitamarhi for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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