

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52992 of 2022

Arising Out of PS. Case No.-875 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

=====

Nishu Tiwari S/O Narmdeshwar Tiwary Resident of village- Tiwari Tola, P.S.-
Pipra, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rishikesh Ojha, Adv.
For the Opposite Party/s : Mr. Parmanand Prasad, 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.

The petitioner seeks regular bail in connection with
Excise P.S. Case No. 875 of 2019 lodged under Sections 30(a),
32, 36, 41(1) of Bihar Prohibition and Excise Amendment Act,
2018.

As per the prosecution case, 1799.280 liters wine has
been recovered from a truck.

Learned counsel for the petitioner submits that the
petitioner has not been apprehended from the place of
occurrence and neither he is the owner nor driver of the truck.

He further submits that petitioner has been made accused in this case only and only due to his criminal antecedent.

Learned counsel for the petitioner submits that petitioner is in custody since 11.05.2022, having 13 cases pending against him and he is on bail in all the cases. He further submits that those cases are politically motivated. Charge sheet has already been filed in this case.

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 Additional Sessions Judge, Special Excise Court No. 2, East Champaran at Motihari in connection with Excise P.S. Case No. 875 of 2019, 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 14 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, East Champaran at Motihari which are as follows:

- i. Pipra P.S. Case No. 237 of 2021
- ii. Pipra P.S. Case No. 80 of 2021
- iii. Pipra P.S. Case No. 05 of 2022
- iv. Kalyanpur P.S. Case no. 234 of 2020
- v. Excise Case No. 34 of 2021
- vi. Pipra P.S. Case No. 87 of 2021
- vii. Pipra P.S. Case No. 442 of 2019
- viii. Pipra P.S. Case No. 75 of 2019

- ix. Tr. No. 882 of 2021
- x. Pipra P.S. Case No. 62 of 2018
- xi. Excise Case No. 29 of 2018
- xii. Excise Case No. 262 of 2020
- xiii. Piprakothi P.S. Case No. 29 of 2018
- xiv. Excise P.S. Case No. 875 of 2019 (present case).

Let the District and Sessions Judge, East Champaran at Motihari 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, East Champaran at Motihari for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ashishsingh/-

U		T	
---	--	---	--