

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54209 of 2022

Arising Out of PS. Case No.-274 Year-2020 Thana- MALSALAMI District- Patna

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Vijay Ray Son of Nandi Rai @ Bandhi Rai @ Anandi Rai Resident of Village
- Sharifaganj, P.s.- Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

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

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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 Case No. 6559 of 2020 arising out of Malsalami P.S.
Case No. 274 of 2020 lodged under Section 30(a) of Bihar
Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, the total recovery of 125
litre wine is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned
counsel submits that the said recovery was made on *tempo*.
Learned counsel further submits that petitioner is not the owner

of the tempo of which the said recovery was made. He submits that there are 8 criminal cases pending against him and in all cases, he is on bail. Learned counsel further submits that petitioner is in custody since 08.08.2022 and 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 Special Judge Excise Patna City in connection with Special Case No. 6559 of 2020 arising out of Malsalami P.S. Case No. 274 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 9 criminal cases (including the present one) pending against the petitioner which belongs to Malsalami P.S, Patna which are as follows:

- i. Malsalami P.S. Case No. 501 of 2021
- ii. Malsalami P.S. Case No. 215 of 202
- iii. Malsalami P.S. Case No. 37 of 2021
- iv. Malsalami P.S. Case no. 215 of 2021
- v. Malsalami P.S. Case No. 496 of 2021
- vi. Malsalami P.S. Case No. 367 of 2021
- vii. Malsalami P.S. Case No. 493 of 2021
- viii. Malsalami P.S. Case No. 522 of 2021
- ix. Malsalami P.S. Case no. 274 of 2020 (present case).

Let the District and Sessions Judge, Patna is directed

to do the needful so that all the cases shall run before one
Special Court with one date.

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

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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