

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54546 of 2022

Arising Out of PS. Case No.-726 Year-2021 Thana- MASAUDHI District- Patna

1. Naushal Kumar @ Naushal Yadav S/o Late Ajay Prasad @ Late Ajab Prasad Yadav, Resident of Ganga Chak Malikana, P.S.- Masaurhi, District- Patna.
2. Vicky Kumar S/o Late Ajay Prasad @ Late Ajab Prasad Yadav, Resident of Ganga Chak Malikana, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umesh Lal Verma, 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 petitioners seek regular bail in connection with Masaurhi P.S. Case No. 726 of 2021, lodged under Section 30(a) & 41(i) of Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, the total recovery of 362.88 liter of foreign liquor is alleged to be made in this case.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence and they are in custody since 28.05.2022. He further submits that nothing

was recovered from the conscious possession of petitioners, they were made accused in this case only due to the reason that they have criminal antecedents. Learned counsel for the petitioner further submits that petitioner no.1 has 2 criminal antecedents in which he is on bail in both the cases and petitioner no.2 has 6 criminal antecedents in which he is on bail in all 6 cases.

Learned counsel for the State opposes the prayer for bail and submits that petitioners have criminal antecedents.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna, Masaurhi in connection with Masaurhi P.S. Case No. 726 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners 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 their bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bond.

Speedy trial is the constitutional vision of justice. Admittedly, there are 3 criminal cases pending against the present petitioner no.1 and 7 criminal cases pending against the petitioner no.2 (including the present one) and all cases belongs to District and Sessions Judge, Patna. The chart of all those cases are as follows :-

Criminal cases pending against the petitioner no.1

1. Masaurhi P.S. Case No. 265/2021.
2. Masaurhi P.S. Case No. 691/2018.
3. Masaurhi P.S. Case No. 726/2021.

Criminal cases pending against the petitioner no.2

1. Masaurhi P.S. Case No. 105/2018.
2. Masaurhi P.S. Case No. 498/2016.
3. Masaurhi P.S. Case No. 159/2018.

4. Masaurhi P.S. Case No. 691/2018.

5. Masaurhi P.S. Case No. 486/2017.

6. Masaurhi P.S. Case No. 863/2019.

7. Masaurhi P.S. Case No. 726/2021.

The District and Sessions Judge, Patna is directed to do the needful so that all magisterial triable cases and 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 Sessions Court with one date and special cases, if any, shall run before one Special Court with one date pending against both the petitioners.

Let a copy of this order is communicated to District and Sessions Judge, Patna for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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