

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56322 of 2022

Arising Out of PS. Case No.-553 Year-2017 Thana- FATUA District- Patna

Vikki @ Vikki Kumar @ Vicki Kumar @ Sanjay Kumar S/o - Late Brij Rai
Yadav@ Late Brij Raj Prasad Yadav @ Nagina Prasad R/o Village- Shisha
Mill, Patel Nagar, Sonaru, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 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.

The petitioner seeks regular bail in connection with
Special Case No. 9051 of 2017 arising out of Fatuha P.S. Case
No. 553 of 2017 lodged under Sections 30(a)/38 of Bihar
Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 288
litres wine is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that as per seizure list the alleged recovery was made from the

house of Gopi Mahto and not from the possession of the petitioner. Counsel further submits that petitioner is in custody since 29.08.2022. He submits that there are 4 criminal cases pending against him and he is on bail in all the 4 cases.

Learned counsel for the State opposes the prayer for bail and submits that there are in total 5 criminal cases of same P.S. is pending against the petitioner.

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.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Patna City in connection with Special Case No. 9051 of 2017 arising out of Fatuha P.S. Case No. 553 of 2017, 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 Session Judge Patna which are as follows:

- i. Fatuha P.S. Case No. 519 of 2017 lodged under Section 30(a) of Excise Act.
- ii. Fatuha P.S. Case No. 679 of 2021 lodged under Section 30(a) of Excise.
- iii. Fatuha P.S. Case No. 31 of 2022 lodged under Section 30(a) of Excise Act.
- iv. Fatuha P.S. Case No. 1012 of 2021 lodged under Section 30(a) of Excise Act.
- v. Fatuha P.S. Case No. 553 of 2017 lodged under Section 30(a)/38 of Bihar Prohibition and Excise Act, 2016. (present case).

Let the District and Session Judge Patna is directed to do the needful so that all the cases pending against the petitioner 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 information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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