

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71708 of 2021

Arising Out of PS. Case No.-372 Year-2021 Thana- NAWADA District- Nawada

Arbind Yadav Son of Chotan Yadav Resident of Village - Khareedi, P.S. -
Nagar, District - Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 13-10-2022 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
Nawada (Town) P.S. Case No. 372 of 2021 lodged under
Sections 33, 34, 36, 37(B) of Bihar Prohibition and Excise Act,
2016.

As per the prosecution case, the case has been filed
against 7 known and other unknown accused persons. It has
been alleged by the informant that on the day of 30.03.2021, one
person was selling wine sitting on motorcycle. It has been
alleged that one pouch wine was purchased worth Rs.70/-.
Subsequently, upon consumption, the informant become ill.

Upon taking medicine, he feel better, on the very next day, Diarrhoea started. On the basis of which, the case of selling of spurious liquor has been lodged under Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that he is not named in the F.I.R. His name has figured in this case by virtue of the confessional statement of the co-accused, He further submits that in this case, he is remanded. He also submits that not only in this case rather police has figured his name in total 18 criminal cases, all related to excise matter. In some of them, he is remanded, in some of which he is not been remanded. He submits that he is in custody since 17.06.2021, charge sheet has already been filed in this case. Learned counsel submits that in the main petition, he has disclosed about 13 cases but in supplementary affidavit, he has disclosed about 5 cases more as such there is total 18 criminal cases pending against him, in 4 cases he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that from the confessional statement, it transpires that he is the Kingpin of the persons who involved in preparation of spurious liquor in the locality. But it is also true that he is not named, except confessional statement there is

nothing against the present 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.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned IInd Additional Sessions Judge cum Special Judge of Excise, Nawada in connection with Nawada (Town) P.S. Case No. 372 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. It transpires from record that there are in total 18 criminal cases pending against the present petitioner all belongs to excise matter and all P.S. lie within the jurisdiction of District and Session Judge Nawada which are as follows:

- i. Nagar P.S. Case No. 383 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.
- ii. Nagar P.S. Case No. 384 of 2021 lodged under Sections 33, 34, 36, 44 of Bihar Prohibition and Excise Act, 2016.
- iii. Nagar P.S. Case No. 376 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.
- iv. Nagar P.S. Case No. 378 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.
- v. Nagar P.S. Case No. 274 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.
- vi. Nagar P.S. Case No. 602 of 2021 lodged under

Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.

vii. Nagar P.S. Case No. 379 of 2021 lodged under Sectionx 30(a), 30(b) of Bihar Prohibition and Excise Act, 2016.

viii. Nagar P.S. Case No. 373 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.

ix. Nagar P.S. Case No. 373 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.

x. Nagar P.S. Case No. 37 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.

xi. Nagar P.S. Case No. 377 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.

xii. Nagar P.S. Case No. 382 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.

xiii. Nagar P.S. Case No. 385 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise

Act, 2016.

xiv. Nagar P.S. Case No. 387 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.

xv. Nagar P.S. Case No. 679 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.

xvi. Nagar P.S. Case No. 680 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.

xvii. Nagar P.S. Case No. 681 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.

xviii. Nagar P.S. Case No. 682 of 2021 lodged under Sections 33, 34, 36 of Bihar Prohibition and Excise Act, 2016.

Let the District and Session Judge Nawada is directed to do the needful so that all criminal cases pending against the petitioner shall run before one Special Court with same date.

Let the copy of this order is communicated to the District and Session Judge Nawada for information and necessary compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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