

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74926 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- YADOPUR District- Gopalganj

Rishu Kumar @ Rishu Rai @ Sandal Rai @ Sandalu Rai Son Of Suneshwar Rai Resident Of Village- Barai Patti, P.O. Barai Patti, P.S. Jadopur, Distt-Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Jadopur P.S. Case No. 141 of 2023 registered on 16.06.2023 lodged under Section 30 (a) of Bihar Prohibition and Excise Act 2018.

3. As per the prosecution case, F.I.R. has been lodged against petitioner and owner of the motorcycle and total 82 litres of wine has been recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the said recovery has been made from the motorcycle and the petitioner is not the owner of the motorcycle rather under



conspiracy his name is figured in this case. Counsel further submits that in this case seizure list has been prepared in gross violation of Section 100 of Cr.P.C. Counsel further submits that criminal antecedent of the petitioner is not clean, there are four criminal cases pending against him in which he is on bail and he is in custody since 05.09.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that the petitioner is accused in four cases of similar nature and present case is the 5th case against the petitioner so at the time of conciliation of the bail this aspect may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail after framing of charge 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 District and Sessions Judge 2nd cum Special Judge Excise Court No. 1, Gopalganj, in connection with Jadopur P.S. Case No.141 of 2023.

7. The speedy trial is the constitutional provision of justice. It transpires to this Court that there are total four criminal cases pending against the petitioner which are as



follows:-

I. Vishambharpur P.S. Case No. 174/2021, U/S 30(a) of Bihar Prohibition and Excise Act.

II. Vishambharpur P.S. Case No. 178/2022, U/S 30(a) of Bihar Prohibition and Excise Act.

III. Jadopur P.S. Case No. 175/2022, and U/S 30(a) of Bihar Prohibition and Excise Act 2022.

IV. Jadopur P.S. Case No. 147/2023, U/S 30(a) of Prohibition and Excise Act 2018.

9. The District and Sessions Judge, Gopalganj before whose jurisdiction Jadopur comes is directed to do the needful so that trial of all cases relating to the Gopalganj territory shall run before one Magistrate or one Sessions Court as the case may be. It is also directed to the counsel for the petitioner that he shall file the certificate that the charge has been framed in all the cases then only the petitioner shall be released.

10. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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