

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9299 of 2020**

Arising Out of PS. Case No.-644 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.  
District- Sitamarhi

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Shyam Babu Rai @ Shyam Kumar Yadav, Son of late Dhanush Rai @ Late  
Dhanush Prasad Yadav, Resident of Village - Lalpur, P.S.- Runnisaidpur,  
Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Anand  
For the Opposite Party/s : Mrs. Renu Kumari

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

3      07-07-2020                      Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in connection  
with Complaint Case No. C2/644 of 2018 for the offence under  
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that earlier  
the petitioner approached this Court for grant of anticipatory  
bail, which was rejected vide order dated 01.05.2019 passed in  
Cr. Misc. No. 14541 of 2019. After refusal of grant of  
anticipatory bail to the petitioner, co-accused Ashok Yadav @  
Ashok Yadava has been granted anticipatory bail by a co-  
ordinate Bench of this Court vide order dated 21.08.2019 passed  
in Cr. Misc. No. 30696 of 2019.

Learned counsel for the petitioner further submits that  
in this case total 452.52 litres of foreign liquor was seized. He



further submits that the aforesaid liquor was sized in front of the house of the petitioner and not from his house.

Considering the fact that the liquor was not seized from the possession of the petitioner or from his house and also the fact that co-accused Ashok Yadav has been granted anticipatory bail, the petitioner named above, in the event of arrest or surrender before the court below within one month from today, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II-cum- Special Judge, Excise Act, Sitamarhi in connection with Complaint Case No. C2/644 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the condition that the petitioner on release will render his service as volunteer for a period of two months in dedicated Covid Hospital. He is required to report to the District Nodal Officer in the concerned region, who shall utilize his service in this pandemic.

**(Anil Kumar Upadhyay, J)**

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