

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38393 of 2020

Arising Out of PS. Case No.-157 Year-2020 Thana- DUMRA District- Sitamarhi

SHYAM BABU RAI @ SHYAM KUMAR YADAV Son of Late Dhanush Rai
@ Late Dhanush Prasad Yadav Resident of Village- Lalpur, P.S.-
Runnisaidpur, District- Sitamarhi.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Senior Advocate.
Mr. Vijay Anand, Advocate.
For the State : Mr. Anant Kumar-1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 21.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned Senior counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with Dumra P.S. Case No.157 of 2020 registered under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on receiving the secret information about unloading the liquor from a pickup van at the



poultry farm of Pankaj Sharma in village-Ketharia, the informant along with other police personnel reached at the poultry farm of Pankaj Sharma, then saw a pickup van parked there and five persons getting down from the pickup van. On seeing the police vehicle, they started to flee away but, on chase, two persons were apprehended, who disclosed their name as Durgakant Rai and Chandan Rai, and they also disclosed the name of three persons, who succeeded to flee away, as Shyam Rai (petitioner), Ram Kumar Rai and Subodh Rai. The apprehended persons further disclosed that in a pickup van, liquor was loaded, which belongs to Pankaj Sharma, Shyam Rai (petitioner), Ram Kumar Rai and Subodh Rai and they were indulged in unloading the liquor. They also disclosed that Shyam Rai (petitioner) used to get the liquor from outside and make available the liquor to its businessmen. On search of the pickup van, several bottles of liquor, kept in several cartoons in the volume of 1455.480 liters, were recovered.

Learned Senior counsel for the petitioner submits that, in fact, the petitioner is accused in some other cases of similar nature, as detailed in paragraph-3 to this application, in which the petitioner is on bail, due to that reason, the police got managed to implicate the petitioner in the present case, showing



the confessional statement of the apprehended accused.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi, in connection with Dumra P.S. Case No.157 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C. Out of the two sureties, one must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

P.S./-

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