

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7493 of 2022

Arising Out of PS. Case No.-187 Year-2020 Thana- RIGA District- Sitamarhi

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 30(a) of the Bihar Prohibition
and Excise Act.

Recovery is of 3395.520 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner has been made accused in this case on the basis of
disclosure made by the apprehended co-accused persons. He
further submits that nothing has been recovered from the
conscious possession of the petitioner rather the alleged



recovery has been made from the truck in question but the petitioner has no concern at all with the alleged recovery and the vehicle in question. He further submits that the petitioner was arrested in Dumra P.S. Case No. 194 of 2021 and he has been remanded in the present case on 25.09.2021. The petitioner is rotting in judicial custody since 25.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries twelve more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Riga P.S. Case No. 187 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled



by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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