

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69225 of 2021

Arising Out of PS. Case No.-547 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

Shyam Babu Rai @ Shyam Kumar Yadav, Son of Late Dhanush Rai @ Late Dhanush Prasad Yadav Resident of Village- Lalpur, P.s.- Runnisaid, District- Satamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Aggrawal Sr. Advocate
	:	Mr. Vijay Anand, Advocate
for the State	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-07-2022 Heard learned senior counsel for the petitioner and learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with G.R. Case No. 1558 of 2019 arising out of Runnisaidpur P.S. Case No. 547 of 2019 registered for the alleged offences under Sections 30(a), 30(g) and 41 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, from the house of the co-accused Jeetu Mukhiya, total 895.305 litres of India made foreign liquor was recovered and co-accused Sukhari Mukhiya was arrested from that place. The petitioner is stated to be a big



operator in this illicit trade of liquor.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. Though the petitioner has never indulged in the business of liquor but he has been made accused in number of cases by the police in its highhandedness. Except for the confessional statement of the co-accused, there is nothing against this petitioner. Other co-accused persons namely, Sukhari Mukhiya and Jeetu Mukhiya have been granted bail vide orders dated 19.06.2020 passed in Cr. Misc. No. 20160 of 2020 and 03.01.2022 passed in Cr. Misc. No.16471 of 2021. Charge-sheet has been submitted and the petitioner is in custody since 22.09.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is a big time operator in the business of illicit liquor.

Having regard to the submissions made hereinabove and considering the fact of grant of bail to other co-accused persons by co-ordinate Benches and taking into consideration the period of custody of this petitioner along with submission of charge-sheet in the case, the petitioner above named is directed



to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi in connection with G.R. Case No. 1558 of 2019 arising out of Runnisaidpur P.S. Case No. 547 of 2019 , subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person who has sworn the affidavit on behalf of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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