

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74783 of 2022

Arising Out of PS. Case No.-450 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

TAPESHWAR RAI Son of Gaya Rai Resident of Village- Baghari, Manorathi
Tola, P.S.- Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
16.10.2022, in connection with Runnisaidpur P.S. Case No. 450
of 2019, F.I.R. dated 27.10.2019 registered for the offences
punishable under Sections 30(a), 30(G), 38(i), 38(ii), 41(i),
41(ii) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 2330.640 litres of *Foreign* wine.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case only on the basis of the disclosure made by spy. He
further submits that it appears from the F.I.R. as well as seizure
list that nothing has been recovered from the conscious
possession of the petitioner rather recovery has been made from



the Truck in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the Truck in question. He further submits that similarly situated co-accused persons namely Chandra Shekhar Rai, Anirudh Rai, Akhilesh Rail Subhash Rai and Vijay Rai have ben granted bail by a Coordinate Bench of this Court vide order at Annexure-2 series of this petition and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one in which he is on bail in one case.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Special Excise Court No. 1, Sitamarhi in connection with Runnisaidpur P.S. Case No. 450 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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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