

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5788 of 2025

Arising Out of PS. Case No.-70 Year-2020 Thana- NAANPUR District- Sitamarhi

Tapeshwar Rai @ Tapeshwar Kumar Ray Son of Gaya Rai Resident of
Village - Baghari Tole Manorathi, P.S. - Runnisaidpur, Dist. - 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.Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Nanpur P.S. Case No.70 of 2020 registered for the offences punishable under Sections 30, 30(a), 38(i) (ii) and 41 of the Bihar Prohibition and Excise Act, 2016. The petitioner has got two criminal antecedents.

3. As per the prosecution story, allegedly 142.710 liters illicit liquors were recovered from the motorcycle.

4. Learned counsel for the petitioner submits that there is no recovery of illicit liquor from the conscious possession of the petitioner and he has been implicated in



this case on the basis of the disclosure of Chowkidar that he had fled away.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submissions that there is no recovery of liquor from the conscious possession of the petitioner and he has been implicated in this case on the basis of the disclosure of Chowkidar that he had fled away, in the two cases the petitioner is said to be on bail as declared in paragraph '3', in such circumstance, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, Sitamarhi in connection with Nanpur P.S. Case No. 70 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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