

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7800 of 2020

Arising Out of PS. Case No.-190 Year-2019 Thana- NALANDA District- Nalanda

SHISHUPAL @ SHISHUPAL KUMAR, S/o Badari Prasad, R/o village-
Devisarai, P.S.- Deepnagar, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Yogendra Kumar Singh (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(A) of the
Bihar Prohibition and Excise Act, 2016

Informant has alleged that he received a secret
information that illicit liquor is being unloaded from a truck on
a pick-up van for its delivery and on receiving such information
he reached said place. One miscreant was apprehended who
disclosed his name as Bipin Gupta and he disclosed the name
of miscreants who managed to escape as Shishupal (petitioner),
Sunil Kumar, Vicky Kumar and others and 1260 liters of illicit
Indian foreign liquor was recovered from truck and pick-up
van.



It is submitted on behalf of petitioner that he has been falsely implicated in this case only on basis of his previous record and neither he was present at the place of occurrence nor any illicit liquor has been recovered from his possession as such no offence under Excise Act is made out against him.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Nalanda P.S. Case No. 190 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

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

(4) If the petitioner is found involved in similar nature



of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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