

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22305 of 2024

Arising Out of PS. Case No.-247 Year-2022 Thana- RAJGIR District- Nalanda

Sishupal Kumar S/o Badari Prasad R/o vill - Devisarai, P.s. - Deepnagar,
Distt. - 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.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Rajgir P.S. Case No.247 of 2022 lodged under Sections 414,
419, 420, 467, 468 471/34 and 120B of the I.P.C. read with
section 30(a) of Bihar Prohibition Act.

3. As per the prosecution case, the F.I.R. has been
lodged against six named accused persons including the
petitioner against whom there is allegation of recovery of
173.295 liter of English wine which is the subject matter of the
present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that he has not been apprehended from the place of occurrence



rather his name has come by confessional statement of co-accused who were apprehended. He further submits that the recovery has not been made from the possession of the petitioner.

5. Counsel also submits that petitioner's name has figured in this case at the instance of the police that there are 5 criminal cases pending against him and he is in custody since 15.02.2024 and he submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him and charge-sheet has already been submitted in this case.

6. Counsel also submits that the other co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 18.11.2022 passed in Cr. Misc. No. 49800/2022.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Nalanda at Biharsharif in connection with Rajgir P.S. Case



No.247 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose



details are as follows:-

- i. Deepnagar P.S. Case No.239 of 2020.
- ii. Deepnagar P.S. Case No.438 of 2020.
- iii. Deepnagar P.S. Case No.55 of 2021.
- iv. Deepnagar P.S. Case no. 319 of 2018.
- v. Laheri P.S. Case No. 606 of 2022.

(Dr. Anshuman, J.)

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