

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12699 of 2015

Arising Out of PS.Case No. -89 Year- 2014 Thana -ISUAPUR District- SARAN

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Lallan Rai @ Lallan Ray son of Gulab Rai, resident of Village- Lauwan P.
S - Isupur, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rama Kant Sharma, Sr.Advocate
Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 272 and 273 of the Indian Penal Code as also under Section 47 (a) of the Bihar Excise Act, 1915.

Though the petitioner is named in the first information report vide Annexure-1 as an accused and there is allegation of recovery of about 4000 litres of spirit, but taking into consideration the fact that the recovery is not from the conscious possession of the petitioner; rather from an open field and further taking into consideration that the petitioner is in judicial custody since 16.02.2015 and he is said to be the first offender, his prayer for bail is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saran in connection with Chapra Isuapur P.S.Case No. 89 of 2014, subject to the following conditions:

(A) one of the bailors must be a government

servant or close family member or close relation of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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