

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38435 of 2014

Arising Out of PS.Case No. -151 Year- 2014 Thana -GOVERNMENT OFFICIAL COMP. District-
NAWADA

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Vijay Choudhary, Son of Siyar Choudhary @ Dawarik Choudhary,
Resident of Village - Chatar, Police Station - Narhat, District - Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-03-2015 Despite repeated calls, none appears on behalf of the petitioner. However, learned Addl.P.P., appearing on behalf of the State, has been heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 47(a) of the Bihar Excise Act, 1915.

Taking into consideration the fact that only 30 litres country made liquor is said to have been recovered from the house of the petitioner and not from his conscious and exclusive possession and further taking into consideration the fact that the petitioner is said to be the first offender, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, his prayer for anticipatory bail is allowed.

In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.

25,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nawadah in connection with G.O. Case No. 151 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family member 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;

(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 date, 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.

Arvind/-

(Birendra Prasad Verma, J)

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