

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23994 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
GOPALGANJ

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1. Rinku Parwat son of Jai Ram Parwat, Resident of village- Chhap
Mathiya, P.S.- Mirganj, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Adv.

Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mrs. Nirmala Kumari(App)

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD
VERMA**

ORAL ORDER

2 31-05-2016

Heard the parties.

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

It is submitted by the learned Senior Counsel for
the petitioner that the alleged recovery has been made from a
Bolero vehicle standing near the road side which does not belong
to the petitioner. By referring to the averments made in paragraph
13 of the bail petition, it is further submitted that the petitioner has
no objection if the aforesaid vehicle is confiscated. It is further
highlighted that the offence alleged has been committed under the
provisions of Bihar Excise Act, 1915 prior to its amendment on
31st March, 2016 and the petitioner is the first offender.

Taking into consideration the fact that the
petitioner is said to be the first offender and he is in judicial
custody since 29.03.2016, and also taking into consideration the
fact that the offence alleged was committed prior to coming into
force of the Bihar Excise (Amendment) Act, 1916, this Court is
inclined to accede to the prayer made on behalf of the petitioner
for grant of bail.

Let the above named petitioner 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 the learned Chief Judicial Magistrate, Gopalganj in connection with Excise Case No. 71 of 2016 subject to the conditions that :

(A) one of the bailors must be a government servant.

(B) the other bailor shall be either his father or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(C) 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 bonds 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 an opportunity of hearing to all concerned, and

(D) 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.

Amin/-

(Birendra Prasad Verma, J)

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