

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11905 of 2016

Arising Out of PS.Case No. -183 Year- 2015 Thana -BABUBARHI District- MADHUBANI

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Sri Mohan Jha, Son of Late Tripit Narain Jha @ Tripti Narain Jha, resident
of Sarara, P.S.- Babu Barahi, District-Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey

For the Opposite Party/s : Mr. Nawal Kishore Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 28-03-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 420 of the Indian Penal Code as also under Sections 18C and 27b(ii) of The Drugs and Cosmetics Act, 1940.

Though, the petitioner is named in the F.I.R, vide Annexure-1, as an accused, but taking into consideration the fact that the petitioner is alleged to have been selling certain medicines without valid licence and further taking into consideration the fact that the petitioner was not found present at the shop in question from where the medicines in question were seized and also taking into consideration the fact that he is said to be the first offender, as has been asserted in paragraph-3 of the anticipatory bail application, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

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-bonds of Rs. 25,000/- with two sureties of the like amount each to the

satisfaction of the learned Additional Chief Judicial Magistrate-II, Madhubani, in connection with Babu Barahi P.S. Case No. 183 of 2015 (R.R. No.3272 of 2015), subject to the conditions laid down under Section 438(2) Cr.P.C and subject to the 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 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 the 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 an 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 bonds of the petitioner.

(Birendra Prasad Verma, J)

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