

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13382 of 2016

Arising Out of PS.Case No. -697 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

Gopi Paswan son of late Brijan Paswan, resident of Village- Jaisinghpur
Khirwa, P.S. Turkaulia, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate
Mr.Archit Rajpal, Advocate
Mr.Shreyanshu Kuamr, Advocate[

For the Opposite Party/s : Mr. Ashraf Ansari, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-04-2016

Heard the parties.

The petitioner apprehends his arrest 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 120 litres of raw spirit, but taking into consideration the fact that with respect to recovery of raw spirit, the petitioner has been given benefit under Section 41A of the Code of Criminal Procedure, 1973 and also 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 his behalf 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 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, East Champaran, Motihari in connection with Turkaulia P.S.Case No. 697 of 2015, subject to conditions laid down under Section 438 (2) of the 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/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)

Tahir/-

U		T	
---	--	---	--