

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24107 of 2016

Arising Out of PS.Case No. -103 Year- 2016 Thana -SARAI RANJAN District- -

=====

Ram Balak Jha, S/o Late Ram Bilash Jha, resident of village-Jhakhara, P.S.-
Sarairanjan, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Dr.Ravindra Kumar, APP

=====

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 Sections 272 and 273 of the Indian Penal Code as also under Section 47(a) of The Excise Act.

The learned counsel appearing on behalf of the petitioner submits that in the first Information Report vide Annexure-1, there is allegation of recovery of only two bottles of illegal foreign liquor. It is further submitted that, in fact, it is a case of transplantation and false implication on account of on going gram panchayat election, in which one of the sons of the petitioner was contesting the election. It is also submitted that the petitioner is the first offender and no other criminal case except the present one is pending against him, and he is in judicial custody since 02.05.2016. It is highlighted that the petitioner is an old man aged about 65 years.

Be that as it may, taking into consideration the allegation of recovery of very small quantity of foreign liquor and also taking into consideration the fact that the petitioner is the first offender and is an old man, 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 Additional Chief Judicial Magistrate VI, Samastipur in connection with Sarairanjan P.S.Case No. 103 of 2016, subject to the following conditions that:

(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 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

(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	
---	--	---	--