

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13536 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -BELA District- SITAMARHI

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Shakti Narayan Prasad @ Shakti Nayan Prasad Son of Chandeshwar Prasad, R/o Village- Sirsiya Bazar, P.S.- Bela, District -Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Bharat Lal (APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-04-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 7 of the E.C. Act.

Though, the petitioner is named in the F.I.R, vide Annexure-1, as an accused with an allegation that he was engaged in black marketing of certain food grains, but taking into consideration the fact that the licence of the petitioner of P.D.S. dealer has already been cancelled, as has been submitted by the learned Senior counsel appearing on behalf of the petitioner, 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 behalf of the petitioner for grant of anticipatory bail. Accordingly, the 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-bonds of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in

connection with Bela P.S.Case No. 16 of 2016, 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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