

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23935 of 2016

Arising Out of PS.Case No. -383 Year- 2015 Thana -PURNEA SADAR District- PURNIA

1. Ajay Uraon son of Sobha Uraon, Resident of Village- Satdov, P.S.-
Sadar, (Muffasil), District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Madan 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, 273, 290 of the Indian Penal Code and Section 47(a) of the Excise Act.

Though, the petitioner, besides others, is named in the first information report vide Annexure-1 as an accused and though there is allegation of recovery of 15 litres of country made liquor from the house of the petitioner, but taking into consideration the fact that the petitioner is said to be the first offender and he is in judicial custody since 18.02.2016, and also taking into consideration that the offence alleged was committed prior to coming into force of Bihar Excise (Amendment) Act, 2016, 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 Sri P. K. Mohit, learned Subordinate Judge 1st-cum-Additional Chief Judicial Magistrate, Purnea in connection with Sadar (Mufassil) P.S. Case No. 383 of 2015 subject to the conditions that :

(A) one of the bailors must be a government servant or close family members 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)

Amin/-

U			
---	--	--	--