

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19091 of 2020

Arising Out of PS. Case No.-215 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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DEEPAK SAO @ DEEPAK KUMAR S/o Bijay Sao @ Vijay Sav Resident of
Village- Haridaspur, P.S.- Amas, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Pd., A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-04-2020 Heard Mr. Ajay Kumar Sinha, learned counsel
appearing on behalf of the petitioner and Mr. Chandra Bhushan
Prasad, learned A.P.P.

This matter is taken up for consideration through
Video Conferencing.

The petitioner seeks bail in Excise Case No.215 of
2019 registered under Sections 30(a) and 56(b) of Bihar
Prohibition and Excise(Amendment) Act.

The gist of the allegation is that the petitioner was
driving a motorcycle and Ajit Sharma was pillion rider. On
being intercepted, 65 liters of country made liquor made of
mahua was recovered from different bags kept on the
motorcycle.

The learned counsel for the petitioner submits that the
motorcycle stands in the name of Ajit Sharma. Ajit Sharma was
granted bail by order dated 02.07.2019 passed in Cr. Misc.
No.33057 of 2019. Petitioner is in jail since 04.03.2020.
Petitioner has already remained in jail for about two months.
The case of the petitioner stands on better footing as that of Ajit



Sharma who is the owner of the motorcycle.

The learned A.P.P. did not controvert the facts.

Of course, it appears that there are several defects as the petitioner has not filed certified copy and the petition on affidavit but the learned counsel for the petitioner undertakes to remove the defects within one week after lock-down period is over.

Taking into consideration the facts aforesaid, I find that the petitioner deserves bail since he has remained in jail for about two months and Ajit Sharma has already been granted bail.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.5,000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge(Excise), Gaya in connection with Excise Case No.215 of 2019.

I.A. No.1 of 2020 is also disposed of.

(Prabhat Kumar Jha, J)

BKS/Saurabh/-

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