

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19511 of 2020

Arising Out of PS. Case No.-139 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Ravi Kumar Son of Raju Kumar Sao Resident of Village - Meru Beside BSF
Camp, P.S.- Muffasil, Distt.- Hazaribagh (Jharkhand).
 2. Saddam Ansari Son of Abu Miyan Resident of Village - Chilga, P.S.-
Pirtand, Distt.- Giridih, (State - Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-06-2020 The matter has been taken up through virtual
Court proceeding.

None appears from the petitioner. However,
learned APP for the State is present.

The present application has been preferred on
behalf of the petitioners for grant of bail in connection with
a case registered for the offences punishable under Sections
30(a) and 56(b) of Bihar Prohibition and Excise Act, 2016,
as amended by Act 8 of 2018.

The prosecution case, as per the prosecution
report submitted by Inspector of Excise, is to the effect that



on 05.03.2020 during vehicle check, an Auto rickshaw was intercepted without having its registration number, from which, total 189 litres of Indian Made Foreign Liquor and 36 litres of beer were recovered and two persons were apprehended from the auto rickshaw, who disclosed their name as Ravi Kumar and Saddam Ansari, the petitioners.

From the pleadings, it appears that the petitioners have no concern with the auto rickshaw in question, statement to that effect has been made in paragraph 8 of the petition. The petitioners are languishing in custody since 06.03.2020 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from an auto rickshaw in which the petitioners were found travelling.

Considering the fact that the investigation has already been concluded, period under custody and statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on bail for the present



provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge, Excise, Gaya in connection with Excise Case No. 139 of 2020.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Special Judge, Excise, Gaya in connection with Excise Case No. 139 of 2020.

The provisional bail of the petitioners will be confirmed after a certificate on affidavit being filed on behalf of the petitioners before the learned Court below to the effect that all the defect/s, as pointed out by the Stamp



Reporter, have been removed.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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