

In the Court of Addl.District & Sessions Judge-II,Gopalganj

Manjhagarh P.S.Case No. 14/2020

Order

18-06-2020

Bail petition dated 17-06-2020 filed on behalf of petitioner Manish Sahni, who is in custody since 15-06-2020 in connection with Manjhagarh P.S.Case No. 14/2020 U/s 30(a)/41/45 of Bihar Prohibition and Excise Act 2016 has been pressed today.

The prosecution case in brief is that the informant of this case Chhotan Kumar S.I. has given a written petition to the S.H.O. Manjhagarh P.S, stating therein that on 10-01-2020, he along with other police forces proceeded for patrolling and reached at Maghi Nimuiya Chaur, seeing the police light 5-6 persons started fleeing, police chased and caught two persons and another succeeded to flee away, who disclosed their name as Ramakant Sahni and Sandesh Kumar Sahni and also disclose the name of fleeing person as Manish Sahni and Rajesh Sahni and during search total 494.100 litre illegal wine have been recovered which was kept in a plastic bag. According to rule a seizurelist was prepared in this regard and copy of seizurelist was handed over to the accused persons.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is quite innocent and has not committed any offence. The petitioner filed anticipatory bail petition before this Court, in the meantime police arrested the petitioner except, no anticipatory or regular bail petition has been filed, moved or pending either before this Court or before any other superior Court. Learned counsel further submitted that nothing incriminating has been recovered from the person and possession of the petitioner and the petitioner bears clean past and prayed for bail.

On the other hand learned Spl.P.P. opposed the prayer for bail.

Heard both sides and perused the case record as well as seizurelist. There is allegation in F.I.R. that this petitioner along with other co-accused flee away from the place of occurrence, recovery of illegal wine was made from the spot 494.100 litre, arrested accused persons from spot disclosed that the recovered wine was kept for sell and it belongs also of the absconded accused including this petitioner.

In the facts & circumstances and keeping in view the huge quantity of recovered wine, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioner stands rejected.

(Dictated)

A.D.J.II,