

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

Kateya P.S.Case No. 62/2020

O r d e r

24-04-2020

Bail petition dated 12-03-2020 filed on behalf of the petitioner Chhotey Lal Choudhary, who is in custody since 06-03-2020 in connection with Kateya P.S.Case No. 62/2020 U/s 30(a) of Bihar Prohibition and Amendment Excise Act 2018 has been pressed today.

Learned counsel for the petitioner submitted through video conferencing that the petitioner is innocent and has not committed any offence as alleged by the prosecution. No bail petition either anticipatory or regular has been filed, pending before this Court or before any other superior Court except this one. Learned counsel further submitted that there is no any criminal case pending against the petitioner and nothing has been recovered from the person and possession of the petitioner and petitioner is in custody since 06-03-2020 and prayed for bail.

On the other hand learned Spl. P.P. appearing on behalf the State opposed the bail petition.

The prosecution case, in brief is that the informant of this case Mahabir Urav A.S.I. Kateya P.S. has given a written petition to the S.H.O.Kateya P.S., stating therein that on 05-03-2020, he along with other police force were on patrolling duty and on the basis of secret information the informant reached at Mushar Toli near the house of Madan Mandal and started checking of vehicles, seeing the police one person started fleeing with motorcycle, police chased and caught him. In presence of two independent witnesses, who disclosed his name as Chhote Lal Choudhary and during search 06.400 litre illegal wine have been recovered from the dickey of motorcycle Reg. No. WB-14-J-4032. A seizurelist was prepared in this regard and copy of the same was handed over to the arrested accused.

Heard both sides through video conferencing and perused the case record as well as seizurelist. From perusal of seizurelist it appears that recovery is 06.400 litre from this petitioner and the petitioner is in custody since 06-03-2020.

Considering the above facts & circumstances and keeping in view the period of detention as well as quantity of recovery, the petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each.

In the meantime P.R.Bond may be filed. All original documents and bail bond with court fee shall be filed after restoration of normal situation.

(Dictated)

A.D.J.II,

