

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

Gopalpur P.S.Case No. 44/2020

O r d e r

20-04-2020

Bail petition dated 17-03-2020 filed on behalf of the petitioner Radhakishun Rawat, who is in custody since 07-03-2020 in connection with Gopalpur P.S.Case No. 44/2020 U/s 272,273,420 of I.P.C. and U/s 30(a) 38 Bihar Prohibition and Excise Act 2018 has been pressed today.

Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in this case. No bail petition either anticipatory or regular on behalf of the petitioner has filed,moved, pending or rejected by this Court or before any other superior Court except this one. Learned counsel further submitted that nothing has been recovered from the conscious possession of the petitioner and the petitioner is in custody since 07-03-2020 and prayed for bail.

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

The prosecution case, in brief is that the informant of this case Ajit Kumar Singh S.H.O.Gopalpur P.S. has recorded his self statement,stating therein that on 6-3-20 at 3.p.m., he along with other forces were on patrolling duty, in the meantime the informant received an information that Radhkishun Rawat is selling wine near Railway line at Village Derawa. Police reached there, seeing the police started fleeing with gallon , police chased and caught him, who disclosed his name as Radhakishun Rawat and gallon was searched and total 12.00 litre illegal country made wine have been recovered. A seizurelist was prepared in presence of two independent witnesses and copy of seizurelist was handed over to the accused.

Thereafter police got secret information that Nagenra Kumar Ram at village Sapaha has been kept wine and also selling wine. The informant reached at village Sapaha near the house of Nagendra Kumar RAM, seeing the police one person started fleeing,police chased and caught him, who disclosed his name as Nagendra Kumar Ram and during search total 16.00 litre illegal wine have been recovered which was kept in the sack. In presence of two independent witnesses a seizurelist was prepared in this regard and copy of

seizurelist was served to the accused.

Heard both sides through video conferencing and perused the case record as well as seizurelist. From perusal of seizurelist it appears that recovery of illegal wine from the possession of this petitioner is 12.00 litre and the petitioner is in custody since 07.03.2020

Considering the above facts and circumstances and keeping in view the period of detention as well as quantity of recovered wine, petitioner is ordered 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,