

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

Mirganj P.S.Case No. 59/2020

O r d e r

25-04-2020

Bail petition dated 24-04-2020 filed on behalf of the petitioner Umesh Mushar, who is in custody since 08-03-2020 in connection with Mirganj P.S.Case No. 59/2020 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 falsely been implicated in this case due to dirty village politics. No bail application either regular or anticipatory on behalf of the petitioner has been filed,moved or pending before this Court or any other superior Court. Learned counsel further submitted that nothing has been recovered from the person and possession of the petitioner and petitioner has no criminal antecedent. The petitioner is in custody since 08-03-2020 and prayed for bail.

On the other hand Addl. learned Spl. P.P. appearing on behalf of the State opposed the prayer for bail.

The prosecution case, in brief is that the informant of this case Ramashankar Kumar A.S.I. Mirganj P.S. has given a written petition to the S.H.O. Mirganj, stating therein that 7-3-20 at about 16.30 hours, he along with other police forces were on patrolling duty and reached at Sabeya more Charmuhani at about 19.00 hours and started checking of vehicles, in the meantime one motorcycle rider came with loaded sack, seeing the police he tried to flee, but he was arrested, who disclosed his name as Chandan Gupta, Motorcycle without Reg.Number and sack was seized and during search total 14.800 litre illegal wine have been recovered which was kept in the seized sack. A seizurelist was prepared in this regard and copy of the seizurelist was handed over to the arrested accused.

In the meantime police saw that one male and one female were coming from Hathuwa side on foot, they were detained for checking, who disclosed their names as Umesh Mushar and Dulari Devi and during search total 0.400 ml illegal wine from the possession of Umesh Mushar and 0.400 ml illegal wine from the jhola of Dulari Devi have been recovered. A seizurelist was prepared in this regard and copy of the seizurelist was handed over to the arrested accused persons.

Heard both sides through video conferencing and perused the case record as well as seizurelist. From perusal of seizurelist it appears that recovery from the possession of this petitioner is 0.400 ml and the petitioner is in custody since 08-03-

Contd.

25-4-2020

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,