

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

Phulwarya P.S.Case No. 68-20

O r d e r

29-04-2020

Bail petition dated 13-03-2020 filed on behalf of the petitioner Binod Kumar Singh, who is in custody since 08-03-2020 in connection with Phulwariya P.S. Case No. 68/2020 U/s 30(a)/32(2)/41(1) of Bihar Prohibition and Amendment Excise Act 2018 has been pressed today.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. No bail petition either anticipatory or regular has been filed or pending before this Court or any superior Court except this one. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner and petitioner has no criminal antecedent except Unchakagaon P.S. Case No. 235/18 and prayed for bail.

On the other hand 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 Lalloo Prasad Mallah A.S.I. Sripur O.P. has given a written petition to the S.H.O. Sripur O.P.(Phulwaria) P.S., stating therein that on 07.03.2020 at about 10.00 hours ,he along with other police forces were on patrolling duty and reached at MishraBataraha petrol pump and started checking of vehicles and saw one Hyundai car silver colour was coming very fastly from Mazirawakala, escort party indicated to stop the car, driver of the car stopped the car, driver and another two persons got down from the said Car and started fleeing, police chased and caught one person and two person succeeded to flee away taking advantage of dense houses. On interrogation, arrested person disclosed his name as Binod kumar Singh and also disclosed the name of fleeing persons as Nitesh Yadav and Ritesh Yadav. In presence of two independent witnesses search was started, total 105.06 litre illegal English wine and beer have been recovered which was kept in the dickey of seized Car Reg.No. U.P.32B-8844. A seizurelist was prepared in this regard and copy of the seizurelist was handed over to the arrested accused Binod Kumar Singh.

Contd.

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Heard both sides through video conferencing and perused the case record as well as seizurelist. From perusal of seizure-list it appears that recovery of illegal wine is 105.060 litre from the seized Car Reg.No. U.P.32B-8844 and the petitioner was arrested on spot.

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

(Dictated)

A.D.J.II,