

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

Phulwaria P.S.Case No. 70/2020

O r d e r

29-06-2020

Bail petition dated 27-06-2020 filed on behalf of the petitioner Santosh Sah, who is in custody since 09-06-2020 in connection with Phulwaria P.S.Case No. 70/2020 U/s 30(a) of Bihar Prohibition and Amendment Excise Act 2018 has been pressed today.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is quite innocent and has not committed any offence. No bail petition either anticipatory or regular has been filed, moved, pending before this Court or by any other superior Court except this one. Learned counsel further submitted that the prosecution story is totally false, fabricated and concocted and petitioner has no criminal antecedent and petitioner is in judicial custody since 09-06-2020 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 Manoj Kumar S.H.O. Phulwaria P.S. has given a written petition addressed to this Court, stating therein that on 08-03-2020, he along with other police forces were on patrolling duty and during course of patrolling he reached at village Sangarampur Gopal near the house of Babalu Ram, seeing the police two young men started fleeing, police chased and caught one person along with plastic sack and one person succeeded to flee away, who disclosed his name as Santosh Sah and during search 08.460 litre illegal wine have been recovered from the sack of the petitioner and also disclosed the name of fleeing person as Babalu Ram. On the discloser of arrested person Santosh Sah, search was started and 26.00 litre illegal wine have been recovered which was hidden in a bush, total recovered wine is 34.460 litres. A seizurelist was prepared in this regard and copy of seizurelist was handed over to the arrested accused.

After that the informant got secret information that Umesh Ram is used to sale wine concealing at his house. On the said information the informant

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reached at the door of Umesh Ram, seeing the police one lady threw her jhola and started fleeing, lady Choukidar chased and caught her, who disclosed her name as Kishanti Devi and during search total 03.200 litre illegal wine have been recovered from the said jhola. According to rule a seizurelist was prepared in this regard and copy of the seizurelist was handed over to the arrested lady.

Heard both sides and perused the record. From perusal of case record it appears that bail petition filed on behalf of this petitioner had been rejected by this Court Vide Order dated 09.06.2020 by this Court, with observation that petitioner may renew his prayer for bail after completion of 105 days custody. Recovery of illegal wine from the possession of this petitioner is 34.460 litre, petitioner is in custody since 09-03-2020. In para 4 of bail petition petitioner has no criminal history.

Considering the above facts & circumstances and keeping in view the period of detention as well as quantity of recovery and observation given vide order dated 09-06-2020, petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-with one surety.

In the meantime P.R. Bond may be filed and all original documents and bail bond with Court fee shall be filed after restoration of normal situation (Dictated)

A.D.J.II,