

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

Kuchaikote P.S.Case No. 105/2020

O r d e r

15-05-2020

Bail petition dated 19-03-2020 filed on behalf of the petitioner Lalloo Ram and another bail petition dated 29-04-2020 filed on behalf of petitioner Dhurendra Paswan, who are in custody since 17-03-2020 in connection with Kuchaikote P.S. Case No. 105/2020 U/s 30(a) of Bihar Prohibition and Amendment Excise Act 2016 has been pressed today.

Learned counsel for the petitioners submit through video conferencing that the petitioners are quite innocent and have not committed any offence. No bail petition either regular or anticipatory has been filed, moved, disposed of by this Court or any other superior Court except this one. Learned counsel further submits that petitioners have no criminal antecedent and petitioners are in judicial custody since 17-03-2020 and prayed for bail.

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

The prosecution case, in brief is that the informant of this case Abdul Mazid S.H.O. cum S.I. Kuchaikote p.s. has given a written petition addressed to this Court, stating therein that on 16-03-2020 he received an information that illegal wine have been stored behind the house of Lalloo Ram and Dhurendra Paswan at village Amawa Vijaypur and both are selling the wine. On the basis of said information the informant along with escort party reached at Village Amawa Vijaypur near the house of Lalloo Ram and arrested two persons with illegal wine. In presence of two independent witnesses, who disclosed their names as Lalloo Ram and Dhurendra Paswan, during search total 17. 200 litre illegal wine have been recovered which was kept in the sack. A seizurelist was prepared in this regard and copy of seizurelist was handed over to the 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 of illegal wine from the possession of these petitioners is 17.200 litre and the petitioners are in judicial custody since 17-03-2020. In para 3 and 5 of bail petition of the petitioners it has been mentioned that the petitioners have no

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15-05-2020

criminal history.

Considering the above facts & circumstances and keeping in view the period of detention as well as quantity of recovery, the petitioners are 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 Personal 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,