

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

Sidhwalia P.S.Case No. 59/2020

O r d e r

20-04-2020

Bail petition dated 18-04-2020 filed on behalf of the petitioner Sarota Prasad, who is in custody since 11-04-2020 in connection with Sidhwalia P.S.Case No. 59/2020 U/s 30(a) /37(B)/(C) of Bihar Prohibition and Excise Act 2018 has been pressed today.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is quite innocent and has falsely been implicated in this case. No bail petition either regular or anticipatory has been filed, moved or pending on behalf of the petitioner by this Court or any other superior Court except this one. Learned counsel further submitted that nothing has been recovered from the possession of the petitioner and petitioner has no any criminal history nor any other case of Excise is pending against the petitioner and petitioner is in judicial custody since 11-04-2020 and prayed for bail.

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

As per F.I.R., On 10-4-20 at about 5. 30 p.m. the informant Suman Kumar Mishr S.H.O. Sidhwalia P.S. and other police forces were on patrolling duty and he got secret information and on the basis of said information he reached at Village Gangawa and arrested a person in intoxicated position, who disclosed his name as Sarota Prasad and during search 0.180 ml illegal wine has been recovered from the right Jeans pant of the accused. A seizurelist was prepared in this regard and copy of seizurelist was handed over to the accused. Accused was sent to P.H.C. Sidhwalia for test where Doctor confirmed that accused had taken wine.

Heard both sides through video conferencing and perused the case record as well as seizurelist. From perusal of record it appears that the petitioner was arrested in intoxicated position with 0.180 ml illegal wine and petitioner is in judicial custody since 11-04-2020.

Considering the above facts & circumstances and keeping in view the ' quantity of recovered illegal wine as well as period of detention, 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 and submit all original documents with bail bond after restoration of normal situation. (Dictated)

