

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

Kuchaikote P.S.Case No. 140/2020

O r d e r

13-05-2020

Bail petition dated 12-05-2020 filed on behalf of the petitioner Bhagwan Chauhan, who is in custody since 04-05-2020 in connection with Kuchaikote P.S.Case No.140/2020 U/s 188, 269,290 of I.P.C. and U/s 30(a) of Bihar Prohibition and Amendment Excise Act 2016 has been pressed today.

Learned counsel for the petitioner submits through video conferencing that the petitioner is quite innocent and has 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 prosecution case is totally false, concocted and nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that petitioner bears clean past and petitioner is in judicial custody since 04-05-2020 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 Umashankar Singh Yadav S.I. Kuchaikote p.s. has given a written petition to the S.H.O. Kuchaikote, stating their in that on 03-05-2020 at about 06.30 a.m., he along with other police forces were on patrolling duty and on the basis of secret information the informant reached at village Mathiya Hardo at the door of Chhathu Pasi and saw two persons are sitting along with jhola and they are talking, seeing the police they started fleeing, police chased and caught one person and another person managed to escape away. In presence of two independent witnesses, arrested person disclosed his name as Bhagwan Chauhan and also disclosed the name of fleeing person as Chhathu Pasi and during search total 02.800 litre illegal wine have been recovered which was kept in the said jhola. A seizurelist was prepared in this regard and copy of seizurelist was handed over to the accused.

Heard both sides through video conferencing and perused the case record as well as seizurelist. From perusal of seizurelist it appears that petitioner was arrested with illegal wine 02.800 litre and petitioner is in

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custody since 04-05-2020. In para 8 of bail petition it has been mentioned that petitioner bears clean past.

Considering the above facts & circumstances and keeping in view the period of detention as well as quantity of recovery and content of bail petition in para 8, 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,