

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

Baikunthpur P.S.Case No. 109/2020

O r d e r

12-05-2020

Bail petition dated 11-05-2020 filed on behalf of the petitioner Gautam Mahto, who is in custody since 07.05.2020 in connection with Baikunthpur P.S.Case No. 109/2020 U/s 37(b)/(C) 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 innocent and has not committed any offence. No bail petition either regular or anticipatory bail petition has been filed, moved or rejected by this Court or by any other superior Court except this one. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and petitioner is in custody since 07-05-2020 and prayed for bail.

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

The prosecution case, in brief is that the informant of this case, Angad Singh has given a written petition to the S.H.O. Baikunthpur P.S, stating therein that on 06-05-2020 at about 17.00 hours , he along with other police forces were on patrolling duty and reached at village Katalpur Janta Bazar and caught a person in intoxicated position and he was creating nuisance, who disclosed his name as Gautam Mahto. Accused was sent to P.H.C. Baikunthpur for test where Doctor confirmed that accused had taken wine.

Heard both sides through V.C. and perused the case record. From perusal of record it appears that petitioner was arrested in intoxicated position and petitioner is in custody since 07-05-2020.

Considering the facts & circumstances and keeping in view the period of detention as well as nature of offence, 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 all original documents and bail bond with Court fee shall be filed after restoration of normal situation. (Dictated)

A.D.J.II,