

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

Kuchaikote P.S.Case No. 146/2020

O r d e r

21-05-2020

Bail petition dated 12-05-2020 filed on behalf of the petitioner Manish Kumar Singh @ Chhotu Singh, who is in custody since 09-05-2020 in connection with Kuchaikote P.S.Case No. 146/2020 U/s 188,269,290 of the I.P.C. and U/s 30(a) (b) 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 falsely been implicated in this case. Learned counsel further submits in supplementary bail petition dated 16-5-2020 in para 2 that no bail petition U/s 438 Cr.P.C. has ever been filed, moved, pending or rejected by this Court or Hon'ble High Court. Learned counsel further submits in another supplementary bail petition dated 20-05-2020 in para 1 and 2 that the petitioner is non-F.I.R. of Kuchaikote P.S. Case No. 319/19 instituted U/s 30(a) of Excise Act and no other case is pending against the petitioner. Learned counsel further submits that allegation against the petitioner is that he was arrested by the police while he was running from a Car in which country made liquor was loaded. The recovery as shown is 107.400 litre from the seized Car. Learned counsel further submits that the petitioner has no concern from the seized Car and liquor and prayed for bail.

On the other hand learned Addl.Spl. P.P. appearing on behalf the State opposed the bail petition and submitted that three cases are pending against the petitioner as Gopalganj Town P.S.Case No. 523/19, Kuchaikote P.S. Case No. 287/19 and Kuchaikote P.S.Case No. 319/19 and finally prayed to reject the bail petition of the petitioner.

The prosecution case, in brief is that the informant of this case Abdul Mazid S.I. cum S.H.O.Kuchaikote has given a written petition addressed to this Court, stating therein that on 08-05-2020 at about 17.30 hours, he along with other police forces were on patrolling duty and reached at Balthari Check-post and saw Swift Desire Reg. No. BR 01 BR 1382 is standing, seeing the police one person came out from the said Car and began to flee and sitting two

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persons started fleeing with Car through N.H., police chased and caught near Konhawa more. In presence of two independent witnesses , who disclosed their names as Jitendra Kumar owner of the said car and Manish Kumar Singh @ Chhotu and during search total 107.400 litre illegal wine have been recovered from the seized Car Swift Desire Reg. No. BR 01 BR 1382 and also disclosed the name of fleeing person as Ankit kumar Shahi @ Babu Saheb. A seizure-list was prepared in this regard and copy of the same was handed over to the arrested accused persons.

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 on spot with illegal wine 107.400 litre and seized Car.

It has not been mentioned in the bail petition that whether earlier any bail petition or A.B.P. was filed or disposed of by this Court or any other superior Court and petitioner has any criminal history or not ? Attention of the counsel was drawn by this Court on the said above points then the learned counsel filed supplementary petition on 16.5.2020 and 20-5-2020. It has been contended in para 1 of supplementary petition dated 20.5.2020 that Excise Kuchaikote P.S.Case No. 319/19 is pending against the petitioner.

In the above facts & circumstances and keeping in view the huge quantity of recovered illegal wine as well as criminal antecedent, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner stands rejected.

(Dictated)

A.D.J.II,