

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

Kuchaikote P.S.Case No. 146/2020

O r d e r

30-05-2020

Bail petition dated 23-05-2020 filed on behalf of the petitioner Jitendra Kumar Gupta, 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 that no regular or anticipatory bail application on behalf of the petitioner has been filed, moved, pending or rejected by this Court or any superior Court except this one. Learned counsel further submits that the petitioner has no criminal antecedent and he is 50 % handicapped and can not drive the car. Learned counsel further submits that nothing has been recovered from the person and possession of the petitioner and prayed for bail.

On the other hand learned Spl. P.P. appearing on behalf the State opposed the bail petition.

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 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.

Contd.

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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. This petitioner is owner of the seized car.

In the above facts & circumstances and keeping in view the huge quantity of recovered illegal wine, 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,