

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

Kuchaikote P.S.Case No. 146/2020

O r d e r

15-06-2020

Bail petition dated 01-06-2020 filed on behalf of the petitioner Sanjay Barnawal, who is in custody since 27-05-2020 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 submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submitted 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 submitted that nothing has been recovered from the conscious possession of petitioner and petitioner was not arrested on spot and prayed for bail.

On the other hand learned Spl. P.P. appearing on behalf the State opposed the bail petition and submitted that another case of Excise Act is also pending against 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 Dezire Car 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 Dezire Reg. No. BR 01 BR 1382 and also disclosed the name of fleeing person as Ankit kumar Shahi @ Babu Saheb. Arrested persons also disclosed that they are going to deliver the seized wine to one Sanjay Barnawal at Sasamusa. 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 and perused the case record as well as seizurelist. From perusal of F.I.R. as well as seizurelist it appears that seized wine has to be delivered to this petitioner by the arrested accused persons. Recovery of illegal wine is 107.400 litre and seized Car.

In the above facts & circumstances and keeping in view the quantity of recovered illegal wine as well as nature of offence levelled against the petitioner, 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,