

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

Gopalganj P.S.Case No. 258/2020

O r d e r

08-06-2020

Bail petition dated 14-05-2020 filed on behalf of the petitioner Biresh Ram, who is in custody since 11.05.2020 in connection with Gopalganj P.S.Case No. 258/2020 U/s 273 I.P.C. and 30(a)/41(i) of Bihar Prohibition and Amendment Excise Act 2018 has been pressed today.

Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in this case. No bail petition either regular or anticipatory on behalf of the petitioner has been filed, pending or rejected by this Court or any other superior Court except this one. Learned counsel further submitted that nothing has been recovered from the conscious possession of the petitioner and petitioner is in custody since 11-05-2020 and prayed for bail.

On the other hand learned Spl. P.P. opposed the prayer for bail and submitted that except this no other case of Excise is pending against the petitioner.

The prosecution case, in brief is that the informant of this case Jitendra Singh Yadav A.S.I. Gopalganj Town P.S. has given a written petition to the S.H.O. Town, stating therein that on 10-05-2020 at about 9.a.m. the informant got information that Biresh Ram has kept illegal liquor and selling liquor at his house. On the basis of said information the informant along with other police forces reached at village Tirbirawa at the house of Biresh Ram, seeing the police one person tried to flee along with jhola, with the help of police forces he was arrested, who disclosed his name as Biresh Ram, during search total 09.00 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 and perused the case record as well as seizurelist. From perusal of seizurelist it appears that recovery of illegal wine from the possession of this petitioner is 09.00 litre and petitioner is in custody since 11-05-2020.

Contd.

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Considering the period of detention as well as quantity of recovery , the petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each.

In the meantime Personal 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,