

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

Sidhwalia P.S.Case No. 78/2020

O r d e r

08-06-2020

Bail petition dated 30-05-2020 filed on behalf of the petitioner Ritesh Kumar, who is in custody since 28-05-2020 in connection with Sidhwalia P.S.Case No. 78/2020 U/s 30(a) of Bihar Prohibition and Excise Act 2018 has been pressed today.

Learned counsel for the petitioner submitted that the petitioner is quite innocent and has falsely been implicated in this case. No bail petition either regular or anticipatory has been filed, moved or pending on behalf of the petitioner by this Court or any 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 judicial custody since 28-05-2020 and prayed for bail.

On the other hand the learned Spl. P.P. appearing on behalf of the State opposed the prayer for bail.

The prosecution case, in brief is that the informant of this case Suman Kumar Mishra S.H.O. Sidhwalia P.S. has recorded his self statement, stating therein that on 13-5-2020, he along with other police forces were on patrolling duty and on the basis of secret information the informant reached at Bakhraur near the house of Rampravesh Sah, seeing the police two persons started fleeing with jhola , police chased but they succeeded to flee away taking advantage of bushes, during search 03.060 litre illegal wine have been recovered from the seized jhola. Local Choukidar and villagers disclosed the name of fleeing persons Ritesh Kumar and Mithilesh Singh. According to rule a seizurelist was prepared in this regard.

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 03.060 litre and the petitioner is in judicial custody since 28-05-2020 and petitioner was not arrested on spot. In para 2 of bail petition it is mentioned that Sidhwalia P.S. case no. 228/19 is pending against the petitioner. Learned Spl. P.P. also conceded the fact.

Considering the above facts & circumstances and keeping in view the period of detention as well as quantity of recovery, 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. All original documents and bail bond with court fee shall be filed after restoration of normal situation.

(Dictated)

A.D.J.II,