

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

Phulwarya P.S.Case No. 128/2020

O r d e r

27-06-2020

Bail petition dated 26-06-2020 filed on behalf of the petitioner Pappu Kumar Singh, who is in custody since 03-06-2020 in connection with Phulwariya P.S. Case No. 128/2020 U/s 30(a)/32(2) of Bihar Prohibition and Amendment Excise Act 2018 has been pressed today.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has not committed any offence. No bail petition either anticipatory or regular has been filed, pending or rejected by this Court or any superior Court except this one. Learned counsel further submitted that the prosecution story is totally false, fabricated and concocted and nothing has been recovered from the possession of the petitioner and petitioner has no criminal history. Learned counsel finally submitted to pass order on the same day.

On the other hand 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 Pankaj Kumar A.S.I. Phulwaria P.S. has given a written petition to the S.H.O.Phulwaria, stating therein that on 02.06.2020, he along with other police force were on patrolling duty and reached at poultry farm of Subodh Kumar Singh and saw one motorcycle was coming, seeing the police jeep started fleeing, police chased and caught him, who disclosed his name as Pappu Kumar. In presence of two independent witnesses, Blue Motorcycle H.F. Delux Reg. No. BR 04M8966 and sack was searched total 36.00 litre illegal wine have been recovered which was kept in the seized sack. A seizurelist was prepared in this regard and copy of seizurelist was handed over to the arrested accused/petitioner.

Heard both sides and perused the F.I.R. as well as seizurelist. From perusal of seizure-list it appears that this petitioner was arrested on spot with 36.00 litre, illegal wine and seized motorcycle.

In the above facts & circumstances and keeping in view the 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.

The petitioner may renew his prayer for bail after completion of 105 days custody.

(Dictated)

A.D.J.II,

