

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

Kuchaikote P.S.Case No. 203/2020

O r d e r

17-06-2020

Bail petition dated 15-06-2020 filed on behalf of the petitioner Amit Kumar, who is in custody since 08-06-2020 in connection with Kuchaikote P.S. Case No. 203/2020 U/s 30(a) 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 not committed any offence. No bail petition either regular or anticipatory has been filed, moved, rejected or pending by this Court or any other superior Court except this one. Learned counsel further submitted that petitioner has no criminal antecedent and petitioner is in judicial custody since 08-06-2020 and prayed for bail.

On the other hand the learned Spl. P.P. opposed the prayer for bail.

The prosecution case, in brief is that the informant of this case Anil Kumar Singh S.I. Kuchaikote P.S. has given a written petition to the S.H.O. Kuchaikote p.s. stating therein that on 07-06-2020, he along with other police forces were on patrolling duty and reached at Paharpur Dayal Canal near NH 28 and started checking of vehicles coming from U.P. side, at about 10.45 hours the informant saw three motorcycle rider were coming with loaded sack, seeing the police they turn their motorcycle and tried to flee, police chased and arrested them. In presence of two independent witnesses, who disclosed their names as Amit Kumar, Sharma Ram and Shashi Pratap Singh, Hero Passion pro Motorcycle Reg. No. BR 28 M 1959 and sack of Amit Kumar was searched , total 39.00 litre illegal wine have been recovered which was kept in the seized sack. Discover Motorcycle Reg. No. BR 28 E0822 and sack of Sharma Ram was searched, total 08,460 litre illegal wine have been recovered which was kept in the seized sack, Hero Super Splender Motorcycle Reg. No. BR 29AD 9346 and sack was searched, total 12.00 litre illegal wine have been recovered from the seized sack. According to rule a seizurelist was prepared in this regard and copy of seizurelist was handed over to the accused persons.

Heard both sides and perused the case record as well as seizurelist.

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From perusal of seizurelist it appears that recovery of illegal wine from the possession of the petitioner is 39.00 litre illegal wine and petitioner was arrested on spot with seized wine and 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. (Dictated)

A.D.J.II,