

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

Mohammadpur P.S.Case No. 116/2020

O r d e r

17-06-2020

Bail petition dated 16-06-2020 filed on behalf of the petitioner Omprakash Kumar Sah @ Govinda Kumar Sah, who is in custody since 14-06-2020 in connection with Mohammadpur P.S.Case No. 116/2020 U/s 30(a) of Bihar Prohibition and Excise Act 2016 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 application either anticipatory or regular has been filed or rejected by this Court or any superior Court except this one. Learned counsel further submitted that nothing incriminating has been recovered from the person and possession of the petitioner and petitioner has no concern with seized motorcycle and wine. Learned counsel further submitted that the petitioner bears clean past. Learned counsel further submitted to pass the order on same day.

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

The prosecution case in brief is that the informant of this case Mithilesh Kumar Pandey S.H.O. Mohammadpur P.S. has recorded his self statement, stating therein that on 13-06-2020 at about 10.30 hours, he along with other police forces were on patrolling duty and reached at village Kesho Gaura SH-90 near Jin-Baba and started checking of vehicles and saw two person were coming riding on a motorcycle with loaded gallon towards Baikunthpur side, police indicated to stop but motorcycle rider stopped the motorcycle and started fleeing, police chased but sitting person succeeded to flee away. Chowkidar No. 2/1 Ranjit Rai disclosed the name of fleeing person as Umesh Sah. In presence of two independent witnesses arrested person disclosed his name as Omprakash Kumar Sah @ Govinda Kumar Sah. In presence of two independent witnesses Hero HF Deluxe Motorcycle Reg. No. BR 28K-5176 and gallon was searched, total 35.00 litre raw spirit have been recovered from the seized gallon. Arrested person told that fleeing person is his father Umesh Sah and they were bringing raw spirit from the house of Akshay Lal Rai for

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sell. A seizurelist was prepared in this regard and copy of seizurelist was handed over to the arrested accused.

Heard both side and perused the case record as well as seizurelist. From perusal of seizurelist it appears that recovery from the possession of the petitioner is 35.00 litre illegal raw spirit and petitioner was arrested on spot with seized raw spirit and motorcycle.

In the above facts and circumstances and keeping in view the quantity of recovery of illegal raw spirit, 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 of custody period.

(Dictated)

A.D.J.II,