

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

Vishambharpur P.S.Case No. 86/2020

O r d e r

27-06-2020

Bail petition dated 18-06-2020 filed on behalf of the petitioner Omprakash Yadav, who is in custody since 16-06-2020 in connection with Vishambharpur P.S.Case No. 86/2020, U/s 30(a) of Bihar Prohibition and Excise Act 2018 has been pressed today.

Learned counsel for the petitioner submitted that petitioner is innocent and has not committed any offence. No bail application either regular or anticipatory on behalf of the petitioner has been filed, moved or pending before 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 bears clean past and petitioner is in custody since 16-06-2020 and prayed for bail.

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 Indrabhushan Kumar S.I. Vishambharpur p.s. has given a written petition to the S.H.O. Vishambharpur, stating therein that on 15-06-2020 at about 22.00 hours, he along with other police forces were on patrolling duty and reached at Sipaya canal bridge and saw three motorcycle came, two people on one motorcycle and one person on two motorcycle, seeing the police vehicle they left their motorcycle and started fleeing, police chased and arrested two person. In presence of two independent witnesses, who disclosed their names as Omprakash Yadav and Shivji Yadav and also disclosed the name of fleeing person as Anshu Singh and Chand Mian, TVS Apache Motorcycle Reg. No. BR 28 U 2459 and sack of Omprakash Yadav was searched, total 45.00 litre illegal wine have been recovered which was kept in the seized sack, Apache Motorcycle Reg. No. BR 28 U5713 and plastic sack of Anshu Singh and Shivji Yadav was searched, total 34.00 litre illegal wine have been recovered which was kept in the seized plastic sack, Passion Pro Motorcycle Reg. No. UP 52-W6217 and plastic sack of Chand Mian was searched, total 54.00 litre illegal

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wine have been recovered which was kept in the seized sack. A seizurelist was prepared and copy of seizurelist was handed over to the arrested accused persons.

Heard both sides and perused the case record as well as seizurelist. From perusal of seizurelist it appears that recovery of illegal wine is 45.00 litre and he 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,