

In The Court of Additional Sessions Judge 2nd cum- special Judge Excise,
Rohtas at Sasaram
Sasaram (Muff.) P.S. Case No. 226/2020

Date of Decision -20.01.2021

In the matter of

Dhanjee Singh, S/o- Late Ram Nandan Singh,
R/o-Vill-Lerua, P.S. Sasaram (Muff), Distt-Rohtas
.....Petitioner/accused

vrs.
State of Bihar.

Sasaram (Muff),FIR NO. 226/2020,
u/s 30 (a) of Bihar Excise &
Prohibition Act.

Ld. Counsel for accused: Sri Jay Ram Singh, Adv.

Ld. APP for the State: Sri Rameswar Singh, APP.

ORDER

An application filed u/s 439 Cr.P.C. for the Bail of the above named accused.

Ld. Counsel for accused submitted that the accused/petitioner has been falsely implicated in this case by the police of Sasaram (Muff.) due to some otherwise reason and the allegation made by the informant are false and baseless. He further submitted that no occurrence took place like stated in the FIR and the prosecution story is false and absurd. He is in judicial custody since 11.08.2020.

On the other hand Ld. A.P.P. strongly opposed the bail application and submitted that the allegation against the petitioner is serious in nature.

As per the FIR the allegation against the petitioner is on dated 08.07.2020 ASI Santosh Kumar of P.S. Sasaram (Muff.) alongwith other police official was busy in vehicle checking at Vill-Lerua. On 09.07.2020 at about 3 a.m. he received a secret information that a road going towards Kanchanpur, a ten wheeler heavy truck is standing there and illicit alcohol of large quantity may be recovered from it. He informed the higher official and arrived at Vill-Kanchanpur. On seeing the police party several persons who were standing there, were run away. However, accused Vishal Singh was arrested by the police and he disclosed the names who were run away from there as Tinku Singh as well as Dhanjee Singh. He also disclosed that he has brought these illicit alcohol from Haryana. The search of the truck was conducted and 510 cartoons, each cartoons contains 48 bottles of 180 ml, it implies that total recovery from the said truck 4473 liters of illicit alcohol. The seizure memo was

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duly prepared there and a copy of the same was handed over to the accused Vishal Kumar Singh and on the basis of the self statement of ASI Santosh Kumar FIR was registered.

During the course of investigation accused Dhanjee Singh has arrested by the police and he is remanded to J.C. on 11.08.2020.

Argument heard from both sides and record perused. On the perusal of the same it transpires that the recovery was effected from the truck and petitioner was present there. However, he was managed to run away from there. The arrested accused Vishal Singh has specifically disclosed his name. The recovered alcohol was send for the chemical examination and as per the report ethyl alcohol contains about 31.24%. The prosecution witnesses have supported the case. On the perusal of the case diary in para No. 38, it is specifically stated that this accused/petitioner also involved in three cases bearing P.S. Sasaram (Muff.) P.S. Case No. 120/2020, Sasaram (Muff.) P.S. Case No. 76/2019 and Sasaram (Muff.) P.S. Case No. 237/2018. The allegation against the accused/petitioner is very serious in nature and the petitioner is an habitual offender. He may be involved in similar nature of offence if released on bail. Hence, this Court is not inclined to release the accused/petitioner on bail. Accordingly, this bail petition is hereby dismissed.

(Dictated & Corrected)

ADJ-II Cum Spl. Judge (Excise)
Rohtas at Sasaram.
20.01.2021

