

In The Court of Additional Sessions Judge 2nd cum- special Judge Excise,
Rohtas at Sasaram
Sasaram (Town) P.S. Case No.-677 /2020

Date of Decision -21.01.2021

In the matter of

1. Bikash Kumar,
2. Ajeet Kumar,

.....Petitioner/accused

vrs.
State of Bihar.

FIR NO. 677/2020, u/s
30 (a) of Bihar Excise Act

Ld. Counsel for accused: Sri Surendra Pd. Pandey, 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 persons.

Ld. Counsel for accused submitted that the accused/petitioners have been falsely implicated in this case by the police of Sasaram (Town) P.S. 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.

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

In brief the prosecution story is that on dated 13.10.2020 ASI Srinath Jha alongwith other police personnel was on evening patrolling duty at about 11.45 p.m. he received a secret information that a truck bearing No. PB 13W 8422 is to be apprehended and a heavy quantity of alcohol may be recovered from it. He immediately informed his higher official and started checking the vehicles. At about 11.55 p.m. the said truck bearing No. PB 13W 8422 was seen by the members of the raiding party and same was intercepted. The persons who were travelling on the truck as its driver were trying to run away from there but they were overpowered and they disclosed their names as Vijay Kumar, Vikash Kumar and Ajeet Kumar. In presence of the independent witnesses Sajoj Paswan and Ajay Paswan the search of the truck was conducted and from the truck 510 cartoons of Royal Secret Whisky, each cartoons contain 48 bottles of 180 ml each it means total 4406 liters of illicit alcohol was recovered. The accused persons also disclosed that the name of the owner of the

truck as Bablu Yadav and they had to hand over these illicit alcohol to Hare Ram Singh @ Krishna @ Vishnu @ Chottu of Vill-Sonbarsa. In presence of the independent witnesses the seizure memo was prepared and duly signed by them and all the recovered illicit alcohol as well as truck and other belongs of the accused were taken into custody by the police and on the basis of the self statement of Srinath Jha ASI an FIR bearing P.S. Case No. 677/2020 was registered against the accused persons.

Argument heard from both sides and case diary perused. On the perusal of the case diary as per the chemical analysis the illicit alcohol contains 42.2% of ethyl alcohol. The accused persons were arrested from the place of occurrence and the recovery was effected from the active possession of the accused. The owner of the offending truck and the person to whom the illicit alcohol has to be handed over is yet to be arrested. The allegation against the petitioners are very serious in nature. Hence, the accused persons are not entitled to be released on bail. Accordingly, this bail petition of the accused/petitioners are hereby dismissed.

(Dictated & Corrected)

ADJ-II Cum Spl. Judge (Excise)
Rohtas at Sasaram.
21.01.2021