

Present :- **Sh. Wishva Vijay Kumar**, Advocate for accused
Sh. Ram Lakhan Rai, Special Public Prosecutor – Excise.

1. This regular bail application is filed by Lalit Pandey son of late Devendra Pandey, resident of village Saidpur, PS Chakmeshi, District Samastipur, in Chakmeshi PS Case no. 251 of 2020, lodged under sections 272, 273, 34 IPC & 47, 30(a) of the Bihar Prohibition and Excise Act, 2016, who is confined to jail since 07.04.2021.

2. Case is instituted by the police upon a gravamen with the allegations that upon a secret information of deloading illegal liquor from a pick up van, the police party reached the spot from where two persons were nabbed. Upon interrogation they disclosed their names as Rajeev Kumar Rai son of Shambhu Rai and Rakesh Kumar Rai son of late Meghan Rai. Upon search of pickup van huge quantity of illegal liquor was recovered and seized. Upon interrogation the arrested person disclosed before the police that the liquor was being brought from Sakhaura, which was supplied to them by Krishna Singh son of Mahesh Singh and Lalit Pandey son of late Devendra Pandey. Accordingly, the police party reached at the place disclosed by the arrested persons. By seeing the police party the persons present there succeeded in fleeing by leaving the truck, which was loaded with the liquor in 9265 bottles.

3. Learned counsel for the petitioner in his arguments reiterated the contents of bail petition, wherein it has been submitted that the petitioner has falsely been implicated in this case by the police; that the allegations are baseless; that nothing has been recovered neither

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from the place or conscious possession of the petitioner. In the last learned counsel for the petitioner prayed for grant of bail to the accused.

4. *On the other hand learned Special Public Prosecutor in his arguments submitted that huge quantity of illegal liquor has been recovered from the house and conscious possession of the petitioner. The case is still at its initial stage. Possibility of likelihood of tampering with the prosecution evidence by the petitioner can not be ruled out at this stage as the petitioner is a bootlegger.*

5. *Heard rival submissions and perused the record. The perusal of record shows that huge quantity of illegal liquor i.e. 9265 bottles has been recovered from the house of the petitioner, obviously it is for trade purposes. Further, keeping in view the stage of the case i.e. investigation stage, quantity of liquor and custody of the petitioner, this court is of the considered opinion that this case is not fit for grant of bail; resultantly, the bail application filed by the petitioner/ accused is dismissed.*

Dated 04.06.2021.

Satya Bhushan Arya
2nd Additional Sessions Judge
-cum-Special Judge, Excise Act
Samastipur.