

In The Court of Sessions Judge, Gonda
Present : Shri Mayank Kumar Jain, H.J.S.



Bail Application No. 1227/2021

CNR No. UP GD01002374-2021

Manganu, aged about 38 years, S/o Ram Lakhan, R/o Village- Jaitpur
 Majha Kewathiya, P.S.- Nawabganj, District- Gonda. ... **Accused/applicant**

Versus

State of Uttar Pradesh

... **Opposite party**

And



Bail Application No. 1229/2021

CNR No. UP GD01002373-2021

Sunil Nishad, aged about 29 years, S/o Ram Vilash, R/o village- Jaitpur
 Majha (Kewathiya), P.S.- Nawabganj, District- Gonda.

... **Accused/applicant**

Versus

State of Uttar Pradesh

... **Opposite party**

Case Crime no: 110/2021
 U/s- 60, 60(2) Excise Act
 and Section 272 IPC
 P.S.- Nawabganj
 District- Gonda

Date: 11.06.2021

Above bail applications are moved by accused/applicants **Manganu**,
 and **Sunil Nishad** in case crime no. 110/2021, u/s 60, 60(2) Excise Act &
 section 272 I.P.C., P.S. - Nawabganj, District- Gonda.

Bail application of accused/ applicant Manganu has been rejected by
 learned Chief Judicial Magistrate, Gonda on 09.04.2021 and bail application
 of accused/ applicant Sunil Nishad has been rejected by I/c Chief Judicial
 Magistrate, Gonda on 21.05.2021. Feeling aggrieved with aforesaid orders,
 above bail applications are moved before this court.

Since, above bail applications are related with same case crime no.
 110/2021, hence, both the applications are disposed off together by a common

order.

The fact giving rise to the case is that on 04.04.2021 when SI Haridwar Tiwari (complainant) along with police party was on patrolling duty in his area, he was informed by an informer that some men and women are manufacturing illicit liquor in the field of sugarcane situated at Jaitpur Majha and among of them some are loading the alleged liquor on motor-cycles for selling purpose by filling them in jerricanes, if hurried, they will be caught red handed. Believing on the above information, complainant along with police party reached on spot and found 05 men and 03 women, indulge in manufacturing illicit liquor and making preparation for selling the alleged liquor filled in 04 jerricanes of 20 ltrs. each. They apprehended 03 womens and 01 men on spot while 04 persons managed to flee away. On enquiry apprehended persons told their name as **1-Mangnu** **2- Smt. Sona** W/o Sunil Nishad, **3- Smt. Lata** W/o Chhota Gabbar Mallaha and **4- Manju** W/o Manna Mallaha. Apprehended persons also disclosed the name of fled away persons as **1- Sukhram** **2- Wakeel**, **3- Sunil** and **4- Chhedi**. On spot 04 motor-cycles, 01 Kg nausadar, 05 Kg Urea, 80 ltrs. of liquor (Kachhi Sarab in 04 containers each of 20 ltrs.), 2000 ltr. lahan (destroyed on spot) and apparatus used for manufacturing liquor were recovered. Accordingly, recovery memo was prepared, apprehended persons were informed about their offences and taken into custody.

On the basis of aforesaid fact, first information report is registered against present accused/applicants & 05 others U/s 60, 72, 60(2) Excise Act and section 272 of I.P.C. as Case crime no. 110/2021.

Learned counsel for the accused/applicants **Manganu** and **Sunil Nishad** argued that accused/applicants are innocent and due to electoral enmity and political pressure they have been falsely implicated in the case. Accused/applicants are not arrested on spot on the alleged date and time and nothing has been recovered from their possession. There is no independent witness. Recovery memo is fake. Till date no lab report is received. Co-accused persons Smt. Sona, Smt. Lata and Manju have already granted bail by the Hon'ble High Court vide it's order dated 24.05.2021. Accused/applicants are not convicted.

Learned DGC (Crl.) opposed the bails arguing that accused/applicant Manganu was arrested on spot while manufacturing the illicit liquor along with other co-accused persons. On spot, huge amount of illicit liquor and

along with adulterant like urea (5 kg) and Nausadar (1 kg) and apparatus used for manufacturing liquor is also recovered. Name of accused/applicant Sunil Nishad came into light on the basis of statement of co-accused Manganu and 03 others who were arrested on spot. Earlier bail application of co-accused persons is already rejected by this court. Accordingly, accused/applicants are not entitled for bail.

Heard, learned counsel for the accused/applicants and learned DGC (Crl.) and perused the record.

According to first information report, accused/applicant Manganu is arrested on the spot by the police while accused Sunil Nishad managed to flee away when police party approached him. At the time of raid, present accused/applicants were actively participating in the process of manufacturing and loading the illicit liquor. Heavy amount of raw material, apparatus used for manufacturing the illicit liquor and 04 motor-cycles were recovered at the time of arrest of accused along with other co-accused persons

The contention of learned counsel for the accused/applicant Sunil Nishad that he was not arrested on spot, got no force, since the name of present accused/applicant was disclosed by the accused/applicants who were arrested on Spot (including his wife Smt. Sona). Apart from this, no enmity is shown in between the persons who were arrested on spot and present accused/applicants (who fled away from the spot). Matter is under investigation.

Looking into the entire circumstances of the case and going through the evidence available on record, I am of the opinion that accused/applicants are not entitled for bail.

Order

Bail applications of accused/applicants **Manganu** and **Sunil Nishad** is hereby rejected.

Dated :11.06.2021

Ajay

Sessions Judge,
Gonda