

In the Court of Exclusive Excise Court-2, Banka

A.B.P. Case No.- 532/2026

Pawan Kumar Yadav vs State of Bihar.
(Arising out of Anandpur P.S. Case No. 30/2026)

ORDER

19.05.2026

This application is filed for seeking pre-arrest bail by the accused namely **1) Pawan Kumar Yadav**, in connection with **Anandpur P.S. Case No. 30/2026**, under section **126(2)/115(2)/308(3)/308(4)/352/351(2)/3(5) of BNS & section 37 of Bihar Prohibition and Excise (Amendment) Act 2022**.

The case of the prosecution in short is that informant namely Pappu Yadav and his associate- Rajballi Paswan were constructing the Chhat Ghat at Kusumghat. In the meantime, accused persons namely- 1) Pawan Yadav, 2) Nitish Yadav, 3) Naresh Yadav, 4) Rohit Yadav and other two unknown persons came there armed with country made pistol and lathi and started assaulting, abusing and threatening them. It is further stated that accused Nitish Yadav assaulted with brick on the face of Rajballi, due to which he sustained injury and and accused Pawan Yadav and Rohit Yadav also assaulted the informant with kudal and fits and slaps, due to which he also sustained injury. On noise, villagers were coming, then the all the accused persons except Naresh Yadav successfully managed to escape. It is further stated that the nabbed accused was found drunken by the breath analyser test report.

Heard the learned Defence counsel as well as the learned A.P.P. for the State.

Learned Counsel for the petitioner has submitted that earlier no any bail petition filed or moved on behalf of the petitioner either before your honour's court or before any superior court. It is also stated that the petitioner is innocent and has committed no offence and he is falsely implicated in this case due to dirty politics and also at the instance of his enemies. It is also stated that all the sections are bailable section 308(3), 308(4) are added to make a serious & graver one and perusal of FIR it is evident that sec. 308(3), 308(4) BNS is not applicable against this petitioner. Petitioner has one criminal antecedent bearing Anandpur P.S. 22/2025. Petitioner is a man of means and is not likely to abscond if allowed her to go on anticipatory bail.

On the other hand, Learned Spl. P.P. opposed the bail petition and has submitted that anticipatory bail is not applicable under this act.

After having being heard both the parties, perused the case record and seizure list available on record. It appears that the present petitioner is FIR named accused. Despite several opportunities, the prosecution is failed to produce the case diary along criminal antecedent report. Thereafter, the Id. Defence has repeatedly requested to pass an order in this bail application. It also appears that present case is also related with Bihar Excise Act and this application for grant of anticipatory bail to the petitioner is not maintainable, in view of provisions under section 76(2) of the Bihar Prohibition and Excise Act, 2016. Hence, in the facts and circumstances of the case, this bail application is accordingly rejected.

Dictated

(Kumar Madhvendra)
I/c Spl. Judge Exclusive Excise Court-2,
Banka