

COURT OF THE ADDITIONAL SESSIONS JUDGE- IX, BHAGALPUR

Anticipatory Bail Petition No.735/2026

(Arising out of Excise(Sadar) P.S. Case No. 815/2026)

U/s 30(a) Bihar Prohibition and Excise Act

Dharmbir Kumar, aged about 26 years, Son of Nityanand Singh, resident of Village Dharampur,
Ganouli, Post-Madhodih, P.S. Harpur, District Munger. Petitioner

Versus

The State of Bihar

For the Petitioner

For the State

..... Opp. Party

: Shri Anjani Kumar, Advocate.

: Shri Basudeo Sah, Special P.P.

Sl. No.	Date of order or proceeding	Order with signature of the court	Office action taken with date
1	2	3	4
	07-05-2026	This is an application for bail U/s 482 of Bhartiya Nagrik Suraksha Sanhita 2023 herein after referred as B.N.S.S. 2023 corresponding to Section 438 of the Cr.P.C. 1973 filed on behalf of the accused petitioner Dharmbir Kumar who apprehends his arrest in connection with Excise(Sadar) P.S. Case No.815/2025 registered U/s 30(a) Bihar Prohibition and Excise Act. On behalf of the petitioner a certificate has been given in para-2 of the anticipatory bail application that earlier petitioner has not preferred anticipatory bail petition or regular bail petition either before learned Sessions Judge, Bhagalpur or before the Hon'ble High Court, Patna. The learned counsel for the petitioner reiterated the contents of the F.I.R. as well as averments of bail petition and its addition submitted that petitioner is innocent. He has been falsely implicated in this case. Allegations attributed to the petitioner is false, fabricated and concocted. Nothing objectionable excise material seized from the conscious possession of the petitioner. Petitioner	

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07-05-2026 Contd. P/2	claims no criminal antecedent in bail petition. Petitioner is the owner of seized vehicle. The Ld. Special P.P. vehemently opposed the prayer for anticipatory bail of the petitioner. It is submitted that Section 76 of Bihar Prohibition and Excise Act bars the jurisdiction of Section 438 of the Code of Criminal Procedure. Heard and perused the record. On perusal it appears that Excise(Sadar) P.S. Case No.815/2025 is registered U/s 30(a) Bihar Prohibition and Excise Act on the basis of written application of informant Gautam Kumar, S.I. Excise(Sadar) station stating inter-alia that on 04-12-2025 he received a secret information that a green colour Goods Tempo bearing Registration No.BR10PA5370 loaded with wooden logs and hiding inside that illicit liquor, is going towards Lodipur Bypass. On such information, informant informing senior police official, he alongwith police force arrived at Lodipur Bypass intercepted Goods Tempo bearing Registration No.BR10PA5370 and apprehended its driver namely Robin Kumar. On search 1. 15 Petty containing 24 bottles of 375 ml total 135 liters Indian made foreign liquor recovered and seized from Goods Tempo bearing Registration No.BR10PA5370. State produced case diary containing para 01 to 48. Perused record. Heavy quantity of Illicit liquor recovered and seized from Tempo bearing Registration No.BR10PA5370. Petitioner is owner of seized tempo. Prima faice it is evident that accused in connivance with other accused including petitioner engaged in illegal	
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business of illicit liquor. Prima facie the case is made out. Role of petitioner in commission of offence is to be investigated. Allegation is serious in nature. Investigation is in progress.

Considering the aforesaid facts and circumstances of the case and also considering the provision mentioned in Section 76(2) of Bihar Prohibition and Excise Act, 2016 the anticipatory bail petition filed by the petitioner Dharmbir Kumar is hereby rejected.

District & Additional Sessions Judge-IX
Bhagalpur

Date of Judgement/Order	07-05-2026
Date of Reserving Judgement/Order	N/A
Date of Uploading	11-05-2026
Uploaded by	Juhi Kumari(Stenographer)

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