

COURT OF THE ADDITIONAL SESSIONS JUDGE- IX, BHAGALPUR

Anticipatory Bail Petition No.744/2026

(Arising out Ishipur(Barahat) P.S. Case No. 21/2026)

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

Abhay Kumar Das, aged about 36 years, S/o Janardan Das, Resident of Village Rampur, Jaytipur,
P.S. Rampur, Jaytipur, P.S. Shivrnanpur, District BhagalpurPetitioner

Versus

The State of Bihar

.....Opp.Party

For the Petitioner

: Shri Anjani Kumar, Advocate.

For the State

: Shri Basudeo Prasad 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
	02-05-2026	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 Abhay Kumar Das who apprehends his arrest in connection with Ishipur(Barahat) P.S. Case No.21/2026 registered U/s 30(a) Bihar Prohibition and Excise Amendment 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 claims no criminal antecedent in bail petition. There is no material	

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02-05-2026 Contd. P/2	except the fact that the petitioner is owner of the seized motorcycle bearing Registration No.BR10M8661 from which illicit liquor recovered. Petitioner is owner of seized motorcycle. 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. It is evident that Ishipur(Barahat) P.S. Case No.21/2026 is registered U/s 30(a) of Bihar Prohibition and Excise Act on the basis of written application of informant Manish Kumar Sah, Officer Incharge Ishipur(Barahat), P.S. Sadar, Bhagalpur stating inter-alia that on 23-02-26 at about 14.45 hours he alongwith police force was on patrolling duty, received information that two persons on motorcycle loaded with illicit liquor are going Babupur. On such information, informant alongwith police force arrived at Bajrangbali Temple situated at Babupur and started checking vehicle. At the same time one motorcycle bearing Registration No.BR10M8661 intercepted by police force and apprehended two persons who disclosed their name 1. Ashutosh Kumar and 2. Molu Kumar. On search 1. 04 bottles of 500 ml total 02 liters, 2. 08 bottles of 500 ml total 04 liters, 3. 30 bottles of 300 ml total 09 liters and 4. 02 bottles of 375 ml total 750 ml and in all total 15.75 liters Indian made foreign liquor recovered and seized from motorcycle bearing Registration No.BR10M8661,	
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which was in possession of accused persons.

State produced case diary containing para 01 to 73. Para-36 of case diary reveals that petitioner is owner of seized vehicle. Perused record. Heavy quantity of illicit liquor recovered and seized from motorcycle bearing registration No.BR10M8661, registered in the name of petitioner accused. Petitioner accused claimed to be registered owner of the seized motorcycle bearing Registration No.BR10M8661. Seized motorcycle used in commission of the offence and the same is liable to be confiscated. Prima faice it is evident that petitioner in connivance with other accused persons engaged in illegal 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 Abhay Kumar Das is hereby rejected.

Sd/-

District & Additional Sessions Judge-IX
Bhagalpur

Date of Judgement/Order	02-05-2026
Date of Reserving Judgment/Order	N/A
Date of Uploading	05-05-2026
Uploaded by	Juhi Kumari (Stenographer)

District Additional Sessions Judge-IX, Bhagalpur,
ABP No.744/2026(Arising out of Ishipur(Barahat) P.S.Case No.21/2026)
Abhay Kumar Das Vs. State
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