

COURT OF THE ADDITIONAL SESSIONS JUDGE- IX, BHAGALPUR

Anticipatory Bail Petition No.765/2026

(Arising out of Excise(Sadar) P.S. Case No. 126/2026)

U/s 30(a),47 Bihar Prohibition and Excise Act

Binod Kumar Singh, aged about 50 years, S/o Late Sadanand Singh, Resident of Telghi, P.S.
Kharik, District Bhagalpur.Petitioner

Versus

The State of Bihar

.....Opp.Party

For the Petitioner

: Shri Mritunjay Kumar Choudhry, 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
	25-04-2026	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 Binod Kumar Singh who apprehends his arrest in connection with Excise(Sadar) P.S. Case No.126/2026 registered U/s 30(a)/47 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. There is no material except the fact that the petitioner is owner of the seized	

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25-04-2026 Contd. P/2	pick up from which illicit liquor recovered. Petitioner is owner of seized pick up van. 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 Excise(Sadar) P.S. Case No.126/2026 is registered U/s 30(a)/47 of Bihar Prohibition and Excise Act on the basis of self statement of informant Manoj Kumar Yadav, S.I. Excise-cum-SHO Excise, P.S. Sadar, Bhagalpur stating inter-alia that on 20-01-26 at about 13.05 hours he got secret information that a white colour pick up van bearing Registration No.BR10GA-9724 loaded with illicit liquor coming from the side of Kahalgaon and going to Naugachia. On such information, informant alongwith police force arrived at Kachua Chowk, Zeromile and at 14.50 hours intercepted Pick-up bearing Registration No.BR10GA9724 and apprehended its driver, disclosing his name Krishna Kumar. On search (1) 72 bottles of 375 ml kept in 03 cartoons total 27 liters, (2) 432 bottles of 375 ml in 18 cartoons total 162 liters, (3) 60 bottles of 750 ml total 45 liters in 05 cartoons, (4) 240 bottles of 375 ml total 90 liters in 0 cartoons, (5) 192 bottles of 375 ml in 08 cartoons total 72 liters and (6) 312 bottles of 375 ml total 13 cartoons total 117 liters, in all total 513 liters of Indian made foreign liquor recovered and seized from pick up bearing Registration	
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Contd. P/3

No.BR10GA9724.

Perused trial court record. Call for up to date case diary has not been received. Heavy quantity of illicit liquor recovered and seized from pick up bearing registration No.BR10GA-9724, registered in the name of petitioner accused. Petitioner accused claimed to be registered owner of the seized pick up bearing Registration No.BR10GA9724. Seized pick up 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 Binod Kumar Singh is hereby rejected.

Sd/-

District & Additional Sessions Judge-IX
Bhagalpur

Date of Judgemet/Order	25.04.2026
Date of Reserving Judgement/Order	N/A
Uploading Date	27.04.2026
Uploaded by	Juhi Kumari(Stenographer)

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Heard and perused the record. It is evident that Ghogha P.S. Case No.11/2026 is registered U/s 30(a) of Bihar Prohibition and Excise Act on the basis of self-written application of informant S.I. Ajeet Kumar, Officer Incharge, Ghogha stating inter-alia that on 19-01-26 at 22.10 hours he alongwith police force was on patrolling duty received secret information about a sixteen wheeler truck bearing Registration No.WB57D9623 loaded with illicit liquor is passing through Ekchari. On such information, informant alongwith police force arrived at Shankarpur bridge and intercepted truck bearing Registration No.WB57D9623. Seeing police force two persons fled, out of which one person was apprehended who disclosed his name Angesh Kumar and one person fled away taking advantage of darkness. On search 140 bottles of 750 ml and 390

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bottles of 375 ml total 251.250 liters Indian made foreign liquor recovered and seized from truck bearing Registration No.WB57D9623.

State produced case diary containing para 01 to 40. Perused record. Heavy quantity of illicit liquor recovered and seized from Truck bearing Registration No.WB57D9623 registered in the name of petitioner accused. Petitioner accused claimed to be registered owner of the seized Truck bearing Registration No.WB57D9623. Seized Truck 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 Virendra Kumar Mahto is hereby rejected.

Sd/-

District & Additional Sessions Judge-IX
Bhagalpur

Memo No._____/Dated Bhagalpur, 07th March 2026

Copy forwarded to the Exclusive Special Excise Judge-I, Bhagalpur for information and needful for reference in Ghogha P.S. Case No.11/2026.

District Additional Sessions Judge-IX, Bhagalpur,
ABP No.765/2026(Arising out of Excise (Sadar) P.S.Case No.126/2026)
Binod Kumar Singh Vs. State
Date 25-04-2026

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