

In the Court of District & Additional Sessions Judge-IV-cum-Exclusive Special Excise Court-II,
Gopalganj
A.B.P No. 183 of 2026

1. **Kishan Yadav**, age- 48 years, s/o- Ramchandra Yadav
2. **Amarjeet Yadav**, age about 19 years, s/o- Kisan Yadav, both r/o- Shitalbardaha, P.S- Kuchaikote, District- Gopalganj.

.....**Petitioners**

Vs

The State of Bihar

..... **O. P.**

For the petitioner : Shree Abhay Kumar Singh, the learned advocate
For the Opposite Party : Shree Ravi Bhushan Srivastava, the learned Special P.P.
Present- Shailendra Kumar Sharma
P.O., Exclusive Special Excise Court-II, Gopalganj

Serial No.	Date of Order of Proceeding	Order with Signature of the Court	Office action taken with date
1	2	3	4
	<u>17.03.2026</u>	1. An anticipatory bail petition is filed on behalf of the petitioners who are apprehending their arrest in connection with Kuchaikote P.S. case no. 18 of 2026, u/s- 30(a) of Bihar Prohibition and Amendment Excise Act 2022. 2. Learned Counsel for the petitioners submits that the petitioners is quite innocent and he has committed no any offence. He further submits that the prosecution story is false and fabricated and nothing has been recovered from the conscious possession of the petitioners. He further submits that the petitioner has no concern with the seized liquor. Lastly, it has been submitted that three cases are pending against the petitioner no. 01 and the petitioner no. 02 is clean past, so he may be enlarged on anticipatory bail. 3. On the other hand learned Spl. P.P. appearing on behalf of the state opposed the anticipatory bail petition of the petitioner. 4. The case of the prosecution in brief is that the informant Ranjan Kumar, P.S.I., Kuchaikote P.S., got secret information on 10.01.2026 that the petitioners have hide liquor in sugarcane field behind his house and selling it. On the basis of secret information, informant along with other police party reached at the house of the	

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	<u>Contd.</u> <u>17.03.2026</u>	petitioners at about 12:20 O'clock and saw that two persons were seating with a sack and seeing the police party both of them left the sack and managed to flee away. The fled persons were identified by the chawkidaar 4/9 Rampravesh Yadav as the petitioners Kishan Yadav and Amarjeet Yadav. Thereafter, during the course of search, a total 17.640 liter country-made and foreign liquor was recovered from the sack. Thereafter, a duly seizure list was prepared in presence of witnesses. Hence the FIR. 5. Heard the learned counsel for the parties and perused the case record. From perusal of case record, it appears that petitioners are name accused persons in FIR and they managed to flee away from the stop. It further appears that the name of the petitioners were disclosed by the chawkidaar and total quantity 17.640 liter country-made and foreign liquor has been recovered from the sack which was left by the petitioners. The informant has fully supported his case in his restatement recorded in para 04 of the case diary and other witnesses have also supported the case of the prosecution in para 05, 06 & 07 of the case diary. The investigation is still going on. Moreover A.B.P. is not maintainable as per provision provided in the Excise Act. 6. In view of the above mentioned facts and circumstances of the case and in view of discussions made above, anticipatory bail petition of the petitioner is not maintainable U/s- 76(2) of Bihar prohibition of Excise Act 2018. Accordingly the prayer for anticipatory bail of the petitioner stands rejected. (Dictated) D.A.J. IV-cum Spl. Judge Excise-II Gopalganj	
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