

In the Court of District & Additional Sessions Judge-IV-cum-Exclusive Special Excise Court-II,
Gopalganj
A.B.P No. 195 of 2026

In the matter of :-

Manoj Kumar, aged about 37 years, s/o- Ramashankar Kushwaha, R/o- village Bhatwaliya, P.S- Tamkuhiraj Janpad, District- Kushinagar (U.P).

.....**Petitioner**

Vs

The State of Bihar

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

Counsel for the petitioner :- : Sri Nitu Kumari, the learned advocate
Counsel for the State :- : Sri Ravi Bhushan Srivastava, the learned Special P.P.

Present- Sri 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>12.03.2026</u>	1. Anticipatory bail petition filed on behalf of petitioner who is apprehending his arrest in connection with Kuchaikote P.S Case No. 419 of 2025, U/s- 30(a) & 32 of the Bihar Prohibition and Excise Amendment Act, 2018. 2. Learned Counsel for the petitioner submits that the petitioner 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 petitioner. He further submits that the petitioner is owner of the motorcycle but the motorcycle was theft on 18.06.2025 at about 8:00 PM from Fazilnagar Sabji Mandi and in this regard a written application with complaint no. 40018925017600 dated 26.06.2026 was lodged in Patherwa P.S. and in support of his submission, he has filed the copy of the complaint. Lastly, it has been submitted that the petitioner is clean past, so he may be enlarged on anticipatory bail. 3. On the other hand, learned Special P.P. appearing on behalf of the state opposed the anticipatory bail petition of the petitioner. 4. Heard the learned counsel for the parties and perused the case record. As per F.I.R. informant Jaishankar Parth, P.S.I,	

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<u>Contd.</u> <u>12.03.2026</u>	Kuchaikote P.S. along with his reached near over bridge at village Bhathwa while patrolling on 16.09.2025 at about 16:10 O'clock and a motorcycle bearing registration number BR28X8312, chassis no. MBLHAW091KHE63225, engine no. HA10AGKHEA3265 was stopped with the help of the police party and searched. During the course of search, a total 22.800 liter liquor was recovered from the motorcycle. Ld. Counsel for the petitioner submitted that the petitioner is owner of the seized motorcycle but the same was theft on 18.06.2025 and the copy of the complaint is also attached with the anticipatory bail petition. The motorcycle of the petitioner was stolen much before the instant occurrence. The petitioner is not named in the F.I.R. nor there is any material against him in the case diary, so it appears that there is no case is made out against the petitioner under the Excise Act, so I find it is a fit case to grant privilege of anticipatory bail, and accordingly, he is permitted to be enlarged on bail in the event of arrest or surrender before the court within four weeks from the date of this order on furnishing bail bonds of Rs. 10,000/- with two sureties of like amount to the satisfaction of the Court, subject to condition laid down u/s 438(2) Cr.P.C. with further conditions that one of the bailors shall be close relative of the petitioner. (Dictated) D.A.J. IV-cum Spl. Judge Excise-II Gopalganj	
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