

In the Court of District & Additional Sessions Judge-IV-cum-Exclusive Special Excise Court-II,
Gopalganj
A.B.P No. 202 of 2026

In the matter of :-

Ajay Ram, aged about 32 years, S/o- Rajnarayan Ram, r/o- Srisawa, P.S.- Mirganj,
District- Gopalganj.

.....**Petitioner**

Vs

The State of Bihar

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

Counsel for the petitioner :- : Sri Guddu Kumar Singh, 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 |
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| | <u>12.03.2026</u> | <p>1. Anticipatory bail petition filed on behalf of petitioner who is apprehending his arrest in connection with Mirganj P.S Case No. 586 of 2024, U/s- 30(a) of the Bihar Prohibition and Excise Amendment Act 2022 and u/s- 317(5) BNS.</p> <p>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 two cases. i.e. Phulwariya P.S. case no. 168 of 2024 & Phulwarira P.S. case no. 253 of 2024 U/s-30(a) Excise Act are pending against the petitioner, so he may be enlarged on anticipatory bail.</p> <p>3. On the other hand learned Spl. P.P. appearing on behalf of the state opposed the anticipatory bail petition of the petitioner.</p> <p>4. The case of the prosecution in brief is that the informant Ali Arsad Khan, P.S.I., Mirganj P.S., got a secret information on 10.12.2024 that the petitioner along with co-accused are hiding</p> | |

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| <p><u>Contd.</u> <u>12.03.2026</u></p> | <p>liquor near Prayag Samail Durga Mandi and selling it. On the basis of secret information, informant along with other police party reached the said place at about 14:30 O'clock. Seeing the police all three managed to flee away. The fled persons were identified by the chawkidar as co-accused Suraj Ram & Sandip Yadav and the petitioner Ajay ram. Thereafter during the course of search, a total 51.920 liter country-made & foreign liquor was recovered near the Durga Mandir. Thereafter, a duly seizure list was prepared in presence of witnesses. Hence the FIR.</p> <p>5. Heard the learned counsel for the parties and perused the case record. From perusal of case record, it appears that petitioner is named accused person in FIR and he managed to flee away from the spot. Further the name of the fled persons were identified by local chawkidar as the petitioner Ajay Ram and co-accused Suraj Ram & Sandip Yadav and total quantity 51.920 liter country-made & foreign liquor has been recovered from the spot. Further the petitioner has two criminal antecedents mentioned in para 03 of the anticipatory bail petition. Moreover A.B.P. is not maintainable as per provision provided in the Excise Act.</p> <p>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.</p> <p style="text-align: center;">(Dictated)</p> <p style="text-align: center;">D.A.J. IV-cum Spl. Judge Excise-II Gopalganj</p> | |
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