

In the Court of District & Additional Sessions Judge-IV-cum-Exclusive Special Excise Court-II,
Gopalganj
A.B.P No. 253 of 2026

In the matter of :-

Nagendra Yadav, aged about 30 years, S/o- Sadanand Yadav, R/o- village Kharauni Khas, P.S-
Mirganj, District- Gopalganj.

.....**Petitioner**

Vs

The State of Bihar

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

Counsel for the petitioner :- : Sri Bashishth Narayan Yadav, 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>	<p>1. Anticipatory bail petition filed on behalf of petitioner who is apprehending his arrest in connection with Mirganj P.S Case No. 132 of 2025, U/s- 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 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 no case is pending against the petitioner, so he may be enlarged on anticipatory bail.</p> <p>3. On the other hand, learned Special 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 Rajesh Kumar, P.S.I, Mirganj P.S., got a secret information on 18.03.2025 that a consignment of liquor is being transported by the petitioner along with co-accused via Gaurup Samail canal and going to Peuli. On the basis of secret information, informant along with other police party were going to the said place. In the meantime, at about 13:00 O'clock when they reached at village Satai Mathiya,</p>	

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<p><u>Contd.</u> <u>12.03.2026</u></p>	<p>two persons on a motorcycle was seen. Seeing the police party, they left the motorcycle and managed to flee away. The fled persons were identified by the chawkidar as the petitioner Nagendra Yadav and co-accused Sandip Singh. Thereafter during the course of search, a total 36.400 liter country-made liquor was recovered from the sack loaded on the motorcycle bearing registration number BR28E6006. 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 the petitioner is named accused in FIR and he managed to flee away from the spot. It further appears that the name of the petitioner was disclosed by the chawkidar and total quantity 36.400 liter country-made liquor has been recovered from sack loaded on the motorcycle which was left by the petitioner. 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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