

In the Court of District & Addl. Sessions Judge-XIII-cum-Spl. Excise Court No.-I, Gopalganj
A.B.P. No. 302 of 2026

(1) Rahul Sah, Aged about 30 Years, S/o Soharan Sah, R/o Village- Amarpura Tola Jagiraha, P.S. Mohammadpur, District-Gopalganj.

(2) Dharmendra Sah, Aged about 46 Years, S/o Bipin Sah, R/o Village- Amarpura Tola Jagiraha, P.S. Mohammadpur, District-Gopalganj.

(3) Nikesh Sah, Aged about 29 Years, S/o Late Nami Sah, R/o Village- Amarpura Tola Jagiraha, P.S. Mohammadpur, District-Gopalganj.

.....Petitioners.

Versus

The State of Bihar

.....Opposite Party.

Counsel for the Petitioners :- Sri Pradeep Sharma, Advocate

Counsel for the State :- Sri Awadhesh Prasad Mani, Spl. P.P.

Present:- Deepak Singh Verma,

District and Additional Sessions Judge-XIII,

Gopalganj

Order

13.03.2026

1. Anticipatory bail petition has been filed on behalf of the petitioner No. (1) Rahul Sah, the petitioner No. (2) Dharmendra Sah, the petitioner No. (3) Nikesh Sah, who are apprehending their arrests in connection with Mohammadpur P.S. Case No. 23 of 2026, U/s. 30(a) of Bihar Prohibition and Excise Amendment Act 2018.
2. Learned counsel for the accused-petitioner submits that the petitioners are quite innocent and they have committed no offence as alleged against them. He further submits that the petitioners has falsely been implicated in this case on mere suspicion and the prosecution story is totally false, fabricate and concocted. He further submits that the fact of this case is that the petitioners were not present at the place of occurrence and they have no knowledge about the seized liquor. He further submits that the police team recovered liquor with the motorcycle and released the real culprit and the name of the petitioners were falsely implicated in this case because they were local residents and already has one or two cases registered against them. He further submits that two cases are pending against the petitioner No. 01, one case is pending against the petitioner No. 02 and two cases are pending against the petitioner No. (3), so they 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 petitioners.
4. Heard the learned counsel for the parties and perused the case record. The allegation against the petitioner is that during patrolling duty, the informant received a secret information that Chandan Sah has carried the illicit liquor by the motorcycle and delivered to Nikesh Sah (the petitioner No. 03), Dharmendra Sah (the petitioner No. 02)

5. and Rahul Sah (the petitioner No. 01), and three of them have secretly kept the country-made liquor in mustard field beside their house in village-Amarpura Tola Jagiraha, and Chandan Sah again went to deliver the liquor to them. On receiving the information, when the informant and other police party reached at the spot, they saw that three persons on foot and one person tied the sack on the motorcycle and ran away in the mustard field. It is alleged that the police has recovered **100** liter country-made chulai liquor from two sacks which were kept on the motorcycle bearing Reg. No. BR05AS6664, **110** liter country-made chulai liquor from two sacks which were kept in mustard field and total **210** liter country-made chulai liquor has been recovered from the spot and the gathered people and villagers disclosed the name of the fled persons as Chandan Sah, Nikesh Sah (the petitioner No. 03), Dharmendra Sah (the petitioner No. 02) and Rahul Sah (the petitioner No. 01) and the said liquor belongs to the petitioners and they have ordered to Chandan Sah for the liquor, so there is specific allegation against the petitioners under the provision of Bihar Prohibition and Excise Amendment Act 2018. It further appears that in para No. **05, & 06** of the case diary, witnesses have fully supported the factum of recovery of illicit liquor from the place of occurrence and the petitioner No. (2) himself admits that **one more case is** pending against him and the petitioner No. (1) & (3) themselves admits that **two more cases** are pending against them as mentioned in para No. 03 of the anticipatory bail petition.
6. In view of the above mentioned facts and circumstances of the case and also considering that **the petitioner No. (1), (2) & (3) is having criminal antecedents** and the investigation of this case is still at initial stage and also that anticipatory bail petition of the petitioners is not maintainable U/s. 76(2) of Bihar Prohibition and Excise Amendment Act 2018. Accordingly the prayer for anticipatory bail of the petitioners stands rejected.

(Dictated)

(Deepak Singh Verma)
DAJ-XIII-cum-Spl. Judge
Excise-I, Gopalganj.