

In the Court of District & Additional Sessions Judge-IV-cum-Exclusive Special Excise Court-II,
Gopalganj
A.B.P No. 377 of 2026

In the matter of :-

Ranjan Tiwari, aged about 35 years, s/o- Mohan Tiwari, R/o- village Madhopur, P.S- Tarwara,
District- Siwan.

.....**Petitioner**

Vs

The State of Bihar

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

Counsel for the petitioner :- : Sri Durga Nand Tiwari, 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>11.03.2026</u>	<p>1. Anticipatory bail petition filed on behalf of petitioner who is apprehending his arrest in connection with Excise Mahammadpur P.S Case No. 09 of 2026, U/s- 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.</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. Lastly, it has been submitted that the petitioner is clean past, 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 prosecution case in brief is that the informant Uttam Kumar, A.S.I. Excise, Excise Mahammadpur P.S., got a secret information on 22.01.2026 that the petitioner manufactures and sells liquor in the bushes on the bank of the Gandak river at Banjariya the Diyara area. On the basis of secret information, informant along with other police party reached the said place and with the help of drone saw a Bhatthi and several Dabba/Jarkin in bushes. Seeing the police</p>	

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<p><u>Contd.</u> <u>11.03.2026</u></p>	<p>party, the petitioner managed to flee away. Thereafter, during the course of search, 2,000 KG Gud Jawa Mahua and 30.00 liter country-made Chulai liquor was destroyed while extracting from the bushes and a total 30.00 Chulai liquor was recovered. Thereafter, independent witness disclosed that the petitioner manufactures liquor and sells it. Accordingly, a seizure list was prepared in presence of witnesses in accordance with law. 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. The name of the petitioner has been disclosed by independent witness. It further appears that 2,000 KG Gud Jawa Mahua and 30.00 liter country-made Chulai liquor was destroyed while extracting from the bushes and a total 30.00 Chulai liquor was recovered. 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 06 & 07 of the case diary. 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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