

In the Court of District & Addl. Sessions Judge-XIII
cum-Spl. Excise Court No.-I, Gopalganj
A.B.P. No. 1558 of 2026

Binay Yadav, Aged about 25 Years, S/o Babuna Yadav, R/o village-Gamriya,
P.S. Bishambharpur, District-Gopalganj.

.....Petitioner.

Versus

The State of Bihar

.....Opposite Party.

Counsel for the Petitioner :- Sri Rajesh Kumar Rai, Advocate

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

Present:- Dhiraj Kumar Mishra,
District and Additional Sessions Judge-XIII,
Gopalganj

Order

25.07.2026

1. Anticipatory bail petition has been filed on behalf of petitioner **Binay Yadav**, who is apprehending his arrest in connection with Yadapur P.S. Case No. 121 of 2026, U/s. 30(a) of Bihar Prohibition and Excise Amendment Act 2022.
2. Learned counsel for the accused-petitioner submits that the petitioner is quite innocent and he has committed no offence. He further submits that the allegations against the petitioner is totally false, baseless and concocted and the petitioner has no concern with the case and he has been falsely implicated in this case due to highhandedness of the local politics. He further submits that two cases i.e. (i) Jadopur P.S. Case No. 112/2024, & (ii) Gopalganj P.S. Case No. 516/2020 are pending against the petitioner, so he 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 petitioner.
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 Binay Yadav (the petitioner) along with one liquor trader have secretly carried the liquor from anywhere and kept in sugarcane field behind the Sadhuni Kutti. On receiving the information, when the informant and other police party reached at Sadhuni Kutti, they saw that on seeing the police party, two persons fled away from the spot by taking advantage of

sugarcane field and bush. It is alleged that the police has recovered **total 108.00** liter country-made liquor from six plastic sacks. Thus, there appears that there is specific allegation against the petitioners under the provision of Bihar Prohibition and Excise Act 2016. It further appears that the petitioner is named accused in the F.I.R. and investigation against the petitioner is at initial stage. It further appears that the petitioner himself admits **two more cases are pending against him as mentioned in para No. 03 of the anticipatory bail petition.**

5. In view of the above mentioned facts and circumstances of the case and also considering that **the petitioner is having two criminal antecedents** and the investigation of this case is still at initial stage and also that anticipatory bail petition of the petitioner is not maintainable U/s. 76(2) of Bihar Prohibition and Excise Amendment Act 2018. Accordingly the prayer for anticipatory bail of the petitioner stands rejected.

(Dictated)

(DHIRAJ KUMAR MISHRA)
DAJ-XIII-cum-Spl. Judge
Excise-I, Gopalganj.