

In the Court of District & Additional Sessions Judge-IV-cum-Exclusive Special Excise Court-II,
Gopalganj
A.B.P No. 2927 of 2025

In the matter of :-

Raju Kumar, aged about 35 years, S/o- Harishankar Prasad, R/o- village Mathiya Maafi,
P.S.- Vishunpura, District- Kushinagar (U.P.).

.....**Petitioner**

Vs

The State of Bihar

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

Counsel for the petitioner :- : Sri Priyanshi Raj, 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>	1. Anticipatory bail petition filed on behalf of petitioner who is apprehending his arrest in connection with Kuchaikote P.S Case No. 254 of 2024, U/s- 30(a) of the Bihar Prohibition and Excise Amendment Act 2022. 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 also submits that the petitioner is registered owner of the seized motorcycle but he has no concern with the seized liquor and one case i.e. Kuchaikote P.S. case no. 16 of 2025 is 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. The case of the prosecution in brief is that the informant Angar Ahmad Khan, P.S.I., Kuchaikote P.S., along with other police party reached at NH- 27 in front of Hanuman temple at village Belbanwa while night patrolling on 14.06.2024 at about 02:40	

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	<u>Contd.</u> <u>11.03.2026</u>	O'clock. In the meantime, two persons on a motorcycle and a Pick-up were seen, which was signaled to stop, but seeing the police party they all left the vehicles & liquor and started running away, out of whom two were caught and the driver of the Pick-up managed to flee away. Thereafter, during the course of search, a total 656.00 liter foreign, country-made & beer was recovered from the motorcycle and Pik-up bearing registration number UP52AE-3019 & UP52AT-1882 respectively. The vehicle was seized, and a duly seizure list was prepared in presence of witnesses. Hence the FIR. 5. Heard the learned counsel for the parties and perused the case record. From perusal of case record, it appears that petitioner himself clarified to be registered owner of the seized vehicle mentioned in para 06 anticipatory bail petition. It further appears that huge quantity 656.00 liter country-made liquor, foreign liquor and beer has been recovered from the vehicles. 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 07, 08 & 09 of the case diary. Further, the petitioner has one criminal antecedent mentioned in para 03 of the anticipatory bail petition. Moreover A.B.P. is not maintainable as per provision provided in the Excise Act. 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. (Dictated) D.A.J. IV-cum Spl. Judge Excise-II Gopalganj	
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