

IN THE COURT OF EXCLUSIVE EXCISE COURT-II, JAMUI

A.B.A. No. 334/2026

Charkapathar P.S Case No. 26/2026

Suraj Kumar Burnwal..... Petitioner

Vrs

State of Bihar

..... O.P.

S/No.	Date	Order with signature of the Court	Office Action taken with Date
	<u>19.05.2026</u>	<p>Suraj Kumar Burnwal, aged about 23 years, son of Gopal Modi R/o Village-Dhakotarh Charkapathar, P.S.-Charkapathar, District-Jamui</p> <p style="text-align: right;">.....Petitioner.</p> <p style="text-align: center;">vs</p> <p>State of Bihar ...O.P.</p> <p style="text-align: center;">Present:- Ratneshwar Kumar Singh Presiding Officer Exclusive Excise Court-II, Jamui</p> <p>Ld. Counsel for the petitioner :- Sri Manish Kr. Vishwakarma, Ld. Advocate Ld. Counsel for the O.P. :- Smt. Bibha Kumari, Spl. P.P. Date of order:- <u>19.05.2026.</u></p> <p style="text-align: center;"><u>ORDER</u></p> <p>This anticipatory bail petition has been filed on behalf of above named accused/petitioner Suraj Kumar Burnwal, who is apprehending his arrest in connection with Charkapathar P.S Case No. 26/2026 for committing an alleged offence u/s-30(a) of Bihar Prohibition & Excise Act.</p> <p>The allegation against the petitioner is that in the course of search by police on 27.02.2026 at about 06:55 o'clock, near Bhagwana Turn Village, under Charkapathar Police Station, 09 litres illegal country made liquor was recovered from a black colored T.V.S. XL100 Motorcycle, Reg. No. BR-46K-0196, and the same were seized. The petitioner is the owner of the seized motorcycle.</p> <p>The Ld. Counsel appearing on behalf of accused/petitioner has submitted that no other bail petition has earlier been filed either before this court or before Hon'ble High Court, Patna under section 482 B.N.S.S. or 483 B.N.S.S., except present one. The petitioner did not get any benefit of section 35(3) B.N.S.S. The petitioner has no criminal antecedent. The Petitioner has committed no offence and hence he is quite innocent. The allegation against the petitioner is purely false, concocted and frivolous one. The petitioner's motorcycle fuel</p>	

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<p>Contd..... 19.05.2026</p>	<p>was short in journey thereafter he left the Motorcycle and went to patrol pump. When he return, he did not found his motorcycle thereafter, he visit the police station, and found his motorcycle and asked for return it, but the S.H.O. of concerned P.S. asked some illegal gratification for which the petitioner was not ready thereafter, the S.H.O. implicated the innocent petitioner in this case. The police has not recovered the seized liquor from the possession of petitioner. The petitioner is the owner of the seized vehicle and only due to this, the petitioner has been dragged in this case. The petitioner has no concerned with the alleged offence. The petitioner is ready to furnish bail bond to the best satisfaction of this Court. The petitioner undertakes to comply the direction what so ever be imposed by the court. So, it is requested to grant anticipatory bail to the petitioner.</p> <p>On the other hand, Ld. Spl. P.P. appearing on behalf of State has opposed the prayer of bail and submitted that 09 litres illegal country made liquor was recovered from a black colored T.V.S. XL100 Motorcycle, Reg. No. BR-46K-0196, and the same were seized, so a prima facie case is made out against the petitioner and as per provision of 76(2) of Bihar Prohibition & Excise Act, the anticipatory bail of the accused/petitioner is not maintainable.</p> <p>Heard, both sides. Perused the F.I.R. as well as seizure list and other material available on record. From perusal of the record, it transpires that the police has seized 09 liters illegal liquor from the petitioner's motorcycle. It is submitted that the petitioner's motorcycle's fuel was short in journey and he left the Motorcycle and went to patrol pump. When he returned, he did not found his motorcycle there. Thereafter, he came to know that his motorcycle was seized by the police and he was implicated in this case. The F.I.R. shows that the petitioner was not arrested from the place of occurrence, as such nothing was recovered from his conscious possession. He has been implicated in this case because, he is the owner of the seized vehicle. From perusal of the case diary, para 49 shows that the petitioner has got no criminal antecedent.</p> <p>This court is fully aware of the provision contend under Section 76(2) of Bihar Prohibition Excise Act,</p>	
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