

IN THE COURT OF EXCLUSIVE EXCISE COURT-I, JAMUI

A.B.A. No. 435/2026

Present :- **Ratneshwar Kumar Singh**
Presiding Officer,
I/c.Exclusive Excise Court-I, Jamui.

**Reference:- Arising out of Jamui P.S. Case No. 139/2026
U/S-30(a), 32 Bihar Prohibition & Excise Amendment Act 2022.**

In the matter of :-

1. Babulal Manjhi S/o- Late Brahmdeo Manjhi

R/o : At-Katka, P.S- Barhat, Distt- JamuiPetitioner

Vs

State of Bihar

.....O.P.

Ld. Counsel for the Petitioner:- Sri C.Tanti, Ld. Adv.

Ld. Counsel for the O.P. :- Sri Manoj Kumar, Ld. Spl.P.P.

Date of order :- 24.06.2026

ORDER

An anticipatory bail petition has been filed on behalf of above named accused petitioner namely **Babulal Manjhi**, who is apprehending his arrest in connection with **Jamui P.S. Case No. 139/2026** for committing an alleged offence u/s- **30(a), 32 Bihar Prohibition & Excise Amendment Act 2022.**

The Ld. Counsel appearing on behalf of accused petitioner has submitted that no other anticipatory bail application or regular bail application is filed by the petitioner either before this Court or before the Hon'ble High Court at Patna. The petitioner is quite innocent and has committed no offence and has falsely been implicated in this false case. The petitioner has five criminal antecedent ie:- (1) Jamui P.S. Case No- 99/2025 (2) Barhat P.S. Case No- 157/2020. (3)JAM -1262/2025 (4) Barhat P.S. Case No- 25/2020 (5) GR Case No- 558/2020. The police has served notice U/ s- 35(3) of BNSS upon petitioner. The petitioner is the owner of the motorcycle but the police of Jamui P.S. seized the said motorcycle from his house. It is prayed to release the petitioner on anticipatory bail.

On the other hand Ld. Spl. P.P. appearing on behalf of State vehemently opposed the prayer for bail and submitted to reject the same.

Heard both sides. Perused the F.I.R. and other material available on record, on perusal of FIR, it is alleged that on dated 21.03.2026 informant along with police party were on night patrolling duty. At about 22:35 hours, the informant received a secret

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information that illegal liquor was transported in the dikky of Bajaj Discover by two persons. At about 22:45 hours, the informant started checking at the main road of Ujhandi, In the meantime, the said Bajaj Motorcycle was coming from the side of Maniadda. Then, the police tried to stop the said vehicle but the rider tried to fled away, In the meantime, he fell down on the road with a bag. Afterward, the police party tried to caught them, but due to darkness the accused persons managed to fled away from the place of occurrence and left his motorcycle, at the same place. The bike was a Bajaj Motorcycle bearing Reg. No- BR 46-E-3103 lying on the road and on the other side, at the distance of one meter, a yellow coloured suspicious bag was also found. The informant searched for independent witnesses but not found due to night. In such circumstances, members of the police party Kunal Kumar and Chandan Kumar were made seizure-list witnesses. Upon search of above said vehicle and suspicious bag, Total 36 litre country made liquor have been recovered. The search and seizure have been video graphed and the digital proof is submitted in a Flash drive with certificate of specified HASH value. According to case diary, para 25 shows that the petitioner is the owner of seized vehicle bearing Reg. No- BR- 46-E-3103 The para-26 of the case diary and para 03 of bail application shows that the petitioner has five criminal antecedents ie:-

- (1) Jamui P.S. Case No- 99/2025**
- (2) Barhat P.S. Case No- 157/2020**
- (3) Barhat P.S. Case No- 25/2020**
- (4) JAM No- 1262/2025**
- (5) GR No- 558/2020**

From content of F.I.R. and seizure list, the offence under Bihar Prohibition & Excise Act 2016 attracted in this matter and **Under Section 76(2) of Bihar Prohibition & Excise Amendment Act 2022 :-** “Notwithstanding anything mentioned in subsection (1) above, nothing in Section 360 of Code of Criminal Procedure, 1973 (Act 2 of 1974), Section 438 of Code of Criminal Procedure, 1973 (Act 2 of 1974) and Probation of Offenders Act 1958 (20 of 1958)

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shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.” bars the application of anticipatory bail as contained under Section 438 Cr.P.C. and the same is confirmed by full bench decision of the Hon’ble High Court Patna rendered in the case of **Rambinay Yadav vs the State of Bihar reported in 2019 (2) P.L.J.R., 1089 (F.B.)**. Accordingly the A.B.A. of the petitioner is not maintainable and the same is hereby **Rejected.**

(Dictated)

Sd/-

I/c.Exclusive Excise Court-I,
Jamui.