

IN THE COURT OF EXCLUSIVE EXCISE COURT-II, JAMUI

A.B.A. No. 648/2026

JAM P.S Case No. 201/2025

Sudhir Kumar @ Sudhir Kumar Gupta Manikchand..... Petitioner
Vrs

State of Bihar O.P.

S/No.	Date	Order with signature of the Court	Office Action taken with Date
	17.06.2026	Sudhir Kumar @ Sudhir Kumar Gupta Manikchand, aged about 35 years, son of Viswanath Sah R/o Village-Telba Bazar, P.S.-Simultalla, District-JamuiPetitioner. vs State of Bihar ...O.P. Present:- Ratneshwar Kumar Singh Presiding Officer Exclusive Excise Court-II, Jamui Ld.Counsel for the petitioner:- Sri Naresh Kumar, Ld. Advocate Ld. Counsel for the O.P. :- Smt. Bibha Kumari, Spl. P.P. Date of order:- 17.06.2026. ORDER This anticipatory bail petition has been filed on behalf of above named accused/petitioner Sudhir Kumar @ Sudhir Kumar Gupta Manikchand, who is apprehending his arrest in connection with JAM P.S Case No. 201/2025 for committing an alleged offence u/s-30(a) of Bihar Prohibition & Excise Act. The allegation against the petitioner is that in the course of search by police on 13.04.2025 at about 16 o'clock, near Basukitand via Simultalla, under Chandramandi Police Station, 720 ml. illegal foreign liquor was recovered from a black and white colored Bajaj Platina Motorcycle, Reg. No. JH-15V-6393, and the same were seized and accused Amit Kumar was arrested at the place of occurrence. The petitioner is the owner of the seized vehicle. 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 one criminal antecedent i.e,	

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Contd.....

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398C2/15, which is pending in this court and in this case he is on bail. 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 police has not recovered the seized liquor from the possession of petitioner. The petitioner is the father of arrested accused Amit Kumar. The petitioner dragged in this case due to he is the owner of seized motorcycle. The petitioner is ready to abide all the terms and conditions and he is also ready furnish bail bond to the best satisfaction of this Court. So, it is requested to grant anticipatory bail to the petitioner.

On the other hand, Ld. Spl. P.P. appearing on behalf of State has opposed the prayer of bail and submitted that 720 ml. illegal foreign liquor was recovered from a black and white colored Bajaj Platina Motorcycle, Reg. No. JH-15V-6393, 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.

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 720 ml. illegal foreign liquor from possessions of the named accused of the F.I.R., who were riding the vehicle Reg. No. JH-15V-6393. Whereas, the petitioner is the owner of the seized motorcycle. The F.I.R. shows that the petitioner was not named in the F.I.R. and 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 case diary para 57 shows that petitioner has no criminal antecedent. Whereas, from perusal of bail application of para 3 shows that petitioner has one criminal antecedent i.e, 398C2/15, which is pending in this court and he is on bail in this case.

This court is fully aware of the provision contend under Section 76(2) of Bihar Prohibition Excise Act, which bars

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Contd..... 17.06.2026	the application of anticipatory bail as contained under Section 438 Cr.P.C./482 of B.N.S.S. This court is also aware that this position of law has been confirmed by full bench decision of the Hon'ble High Court Patna, rendered in the case of Rambinay Yadav Vrs the State of Bihar, reported in 2019 (2) P.L.J.R., 1089 (F.B.). Accordingly, the A.B.P. of the petitioner Sudhir Kumar @ Sudhir Kumar Gupta Manikchand, is not maintainable and the same is hereby disposed of, with a direction to the accused-petitioner to surrender before the Trial Court, within a period of four weeks from the date of this order and may prefer regular bail and the Ld. Trial Court shall pass appropriate order on the same day, considering the facts that:- 1. The accused-petitioner is not a named accused of F.I.R. 2. The petitioner was not present at the place of occurrence and no incriminating material has been recovered from his conscious possession. 3. The petitioner has been implicated in this case, due to being owner of the seized motorcycle bearing Reg. No. JH-15V-6393. With the above direction, this anticipatory bail application is accordingly, hereby disposed of. (Dictated) Ratneshwar Kumar Singh Presiding Officer, Exclusive Excise Court-II, Jamui.	
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