

IN THE COURT OF EXCLUSIVE EXCISE COURT-I, JAMUI

A.B.A. No. 735/2026

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

Reference:- Arising out of Malaypur P.S. Case No. 14/2025

U/S-30(a) Bihar Prohibition & Excise Act.

In the matter of :-

1. Khusbu Devi W/o- Ranjan Manjhi

R/o : Vill- Penghi, P.S.- Barhat, Distt- Jamui

.....Petitioner

Vs

State of Bihar

.....O.P.

Ld. Counsel for the Petitioner:- Sri Ranjit Kumar Pandit, Ld. Adv.

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

Date of order:- 17.06.2026

ORDER

Anticipatory bail petition has been filed on behalf of above named accused petitioner namely **Khushbu Devi**, who is apprehending her arrest in connection with **Malaypur P.S. Case No. 14/2025** for committing offence u/s-30(a) **Bihar Prohibition & Excise Act**. The allegation is of recovery of 8 litres of illegal country made liquor from her motorcycle.

The Ld. Counsel appearing on behalf of accused petitioner has submitted that no other anticipatory bail application or regular bail application has been filed by the petitioner either before this Court or before the Hon'ble High Court Patna. Petitioner is quite innocent and has committed no offence and has falsely been implicated in this false case. The petitioner has not got notice U/s- 35(3) BNSS as informed by his pairvykar. The alleged offence is not made out against the petitioner. The petitioner has no criminal antecedent. Bearing a capacity of owner of vehicle, the petitioner has falsely been implicated in this case. On the alleged date of occurrence, Kanu Manjhi demanded motorcycle from the petitioner for treatment of his family members so in this way petitioner has no fault. It is therefore 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 dt. 06.02.2025 at about 09:45 hours, the informant along with police party went near Pioneer Petrol Pump (Katauna) as per the instruction of Sr. Police officer. At about 10:05 hours informant along with police team reached at the said petrol pump and saw a Hero Passion Pro motorcycle bearing Reg. No- BR 01 AU-4806 was parked beside the main road. The police team searched for the owner of the motorcycle, but no one was found to be its claimant or owner. After that the

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informant brought the motorcycle to the police station and found that there was foul smell of alcohol coming out of the dikki of the motorcycle. On conducting search, 08 litre country made liquor have been recovered from the above said motorcycle. Thereafter, the seizure list was prepared and this case has been registered by informant. In the course of hearing, the I.O. has submitted case diary, in which para 23 shows that the petitioner is the owner of seized motorcycle bearing Reg. No- BR 01 AU-4806 in this case. Further para 31 of the case diary shows that the petitioner has got no criminal antecedent.

This is an anticipatory bail and this Court is fully aware of the provision contained under section 76(2) of Bihar Prohibition & Excise Act, which bars 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 Vs. the State of Bihar, reported in 2019 (2) P.L.J.R., 1089 (F.B.)**. In view of above petition of Law and considering the facts & circumstances of this case, as well as submission put forward at Bar, the A.B.A. of the petitioner **Khushbu Devi** is not maintainable and the same is disposed off, with a direction to the accused petitioner that she may 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, considering the facts that:-

1. The petitioner is not named in the FIR.
2. The petitioner was neither present nor arrested from the place of occurrence.
3. Nothing has been recovered from the conscious possession of the petitioner.
4. Police did not complied the provision of U/s- 105 BNSS and there were no independent witnesses of seizure, both the witnesses of seizure-list were police personnels.
5. The petitioner is a lady and has been implicated in this case because of being owner of Hero Passion Pro motorcycle bearing Reg. No- BR-01-AU-4806 seized in this case.

With the above direction, the anticipatory bail application is accordingly, hereby disposed off.

(Dictated)

Sd/-

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