

IN THE COURT OF EXCLUSIVE EXCISE COURT-I, JAMUI

A.B.A. No. 763/2026

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

**Reference:- Arising out of Laxmipur P.S. Case No. 115/2026
U/S-30(a) Bihar Prohibition & Excise Act.**

In the matter of :-

1. Sangita Devi W/o- Sri Dukhi Paswan

R/o : Vill+Post- Anandpur, P.S.- Laxmipur, Distt- Jamui

.....Petitioner

Vs

State of Bihar

.....O.P.

Ld. Counsel for the Petitioner:- Sri Anil Kumar Burman, Ld. Adv.

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

Date of order:- 23.06.2026

ORDER

Anticipatory bail petition has been filed on behalf of above named accused petitioner namely **Sangita Devi**, who is apprehending his arrest in connection with **Laxmipur P.S. Case No. 115/2026** for committing an alleged offence u/s-30(a) Bihar Prohibition & Excise Act.

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 section is not made out against the petitioner. The petitioner has no criminal antecedent. Bearing a capacity of owner of house, the petitioner has falsely been implicated in this case. 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. 25.05.2026 at about 5:00 hours, the informant along with police party were on morning patrolling duty. In the meantime, the informant has received an information that under constructed house of Sangeeta Devi, village- Anandpur (Paswan Tola), illegal liquor is being manufactured for the purpose of trading. At about 8:50 hours, the informant along with police team went at the house of accused petitioner Sangeeta Devi. In the meantime, accused petitioner came out from her house and managed to flee away upon seeing the police force. On being

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asked by the villagers about accused petitioner, they disclosed her name of as Sangita Devi. Afterward, Informant searched for independent witnesses but not found. In such circumstances, members of the police party Vimal Kumar and Pintu Kumar consented to become seizure-list witnesses. Thereafter, search was conducted in the house of the petitioner. On being search 15 litre country made liquor have been recovered from the house of petitioner. Then the seizure list was prepared by informant. Further, para 26 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.)**. Accordingly the A.B.A. of the petitioner **Sangita Devi** is not maintainable and the same is disposed off, with a direction to the accused petitioner that he 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 was neither present nor arrested from the place of occurrence.
2. Nothing has been recovered from the conscious possession of the petitioner.
3. 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.
4. The petitioner has been implicated in this case because of being owner of house

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

(Dictated)

Sd/-

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