

THE COURT OF SPECIAL EXCLUSIVE JUDGE EXCISE-I, KAIMUR AT BHABHUA
A. B. P. No.- 466/2026

In the matter Of :

Bhola Kumar S/o Raj Kumar Yadav

R/o Village Bhabhua Ward No.- 06, P.S Bhabhua, Distt.- Kaimur Petitioner

Vs

The State of Bihar O. P.

(In connection with Chand P. S. Case No. 96/2026)

Counsel for the petitioner: Sri Lakshmi Kant Rai, Ld. Advocate

Counsel for the O. P. : Mr. Udham Narayan Singh .Ld.Spl P. P.

ORDER

Dated : 24.03.2026

1. The above named petitioners seeks “Anticipatory Bail” in connection with **Chand P. S. Case No. 96/2026** for offence punishable U/S 30(a) of Bihar Excise & Prohibition (Amendment) Act.
2. The prosecution case, in short, is that on information on 06.03.2026 at 02:00 hours police team were at daily routine checking on the road at Pawara towards Kesari and saw that a white color Car Reg. No. Br-1AF-6413 held into the duck. The police team search and recovered total 151.68 liters English Liquor from the dicky of the Car. Thereafter, seizure list were prepared and instant case was lodged for appropriate action.
3. It has been submitted that the petitioner is innocent and he had committed no offence and petitioner has been falsely implicated in this case. No bail petition on behalf of the petitioner pending before any court including the Hon’ble High Court. There is no criminal antecedent of the accused petitioner. The accusation against the petitioner is recovery of offending materials 151.68 liters from the Behicle No. BR 1 AF 6413. Petitioner has no connection with liquor and vehicle. No case is made out against the petitioner. Hence, prayer was made for grant of pre-arrest/anticipatory bail.
4. Per contra, the Ld. Spl.P.P. for the State has opposed the prayer for pre-arrest/anticipatory bail and submitted that anticipatory bail is not maintainable U/S 76 of B.P.E.A.

5. Rival contentions of the parties were heard and the record was perused. From perusal of the record it has been found that petitioner has no criminal antecedent as said in the para 25 of case diary. There is nothing in the case diary to rule out the sale of vehicle made by accused petitioner dated 26.04.2025, much before the alleged date of seizure i.e. 07.03.2026. No prima facie case is made out against the accused petitioner. There is no legal evidence against the petitioner. In these circumstances, the court is of the considered opinion that the petitioner deserve the privilege of pre-arrest/anticipatory bail and as such, in case of arrest, the petitioner is directed to be released on executing a personal-bond of Rs. 25,000/-. Petition disposed off accordingly.

(Dictated)

Sd/-

(Anil K. Thakur)

Special Excise Judge-1