

The court of Special Exclusive Judge Excise- I, Kaimur at Bhabhua

A. B. P. No. 519/2026

In the matter Of :

Manish Singh, S/o Sachchidanand @ Pappu Singh

R/o Village- Ailay, P.S- Chand, Distt.- Kaimur (Bhabua) Petitioner

(In connection with Chand P. S. Case No. 98/2026)

Counsel for the petitioner: Shri Sonu Kumar Ojha, Ld. Advocate,

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

Mr. Abhishek Kumar, Legal Consultant, Excise

ORDER

Dated :25.05.2026

1. The above named petitioner seeks “Anticipatory Bail” in connection with **Chand P. S. Case No. 98/2026** for offence punishable U/S 352, 351(2), 132, 109(1), 191(2), 191(3) of IPC, 27 of Arms Act & 45 of Bihar Prohibition & Excise Act 2022.
2. The prosecution case, in short, is that on dated 09.03.2026 at about 02:15 hrs the informant at Check Post Malhadich (Chakiya) at Chand P.S. The police team got an information that Sunil Yadav and Pankaj Yadav both from Darwan were selling liquor and they went with their group from Pathara towards Padhi Bridge. To verify the information the police team reached Pathara and made necessary cordon with the above police force and started waiting for the liquor smugglers. At about 0135 pm, with a group of 5 motorcycle with three on each. Before the police team search the motorcycle, they attack on the police team from which Sunil Yadav filed at the police with intention to kill him. Sunil Yadav and Pankaj Yadav fired about 4 round and they had not arrested at the spot. All the five motorcyclist pelting stone and threatened the police team. After threatened the police team they transported a consignment of liquor in front of Police team. But, the police team unable to do anything due to fear. The police team recovered three blank cartridge and one live cartridge. The police team raided the house of Sunil yadav and caught Mahesh Yadav and Snadeep Yadav. The police team interrogated strictly, they disclosed the name of the accused. Thereafter, seizure list was prepared. Hence, instant case was lodged for appropriate action.

3. It has been submitted that the petitioner is innocent and he 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. Petitioner has no criminal antecedents. Nothing has been recovered from the possession of this accused petitioner. 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 entire record including the case diary. It is clear that there is sufficient material available on record against the petitioner. All the witnesses in case diary has supported the fact that all the FIR named accused persons including this petitioner has assaulted and thereby obstruct the police officials in discharge of their official duties imposed under section 45 of Bihar Prohibition and Excise Act 2022. After perusal of case diary, it is clear that this petitioner has no criminal antecedent. Meantime investigation of this case is going on so there is more chances of coming new fact during investigation. Hence, at this stage a prima facie case is made out against the petitioner. Therefore, considering the provisions containing in section 76(ii) of Bihar Prohibition and Excise (amendment) Act application for anticipatory bail is hereby dismissed as not maintainable.

(Dictated)

Sd/-

(Pavan Kumar Shukla)

Special Excise Judge-1