

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

A. B. P. No. 603/2026

In the matter Of :

Bhantu Kumar @Vidyasagar Bind aged about 27 years, S/o Harishankar Bind,
R/o Katsa, P.S.- Bhabhua, Distt.- Kaimur (Bhabua) Petitioner

Vs

The State of Bihar

O. P.

(In connection with Bhabhua P. S. Case No. 286/2026)

Counsel for the petitioner: Shri Bishnunand Singh, Ld. Advocate

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

Mr. Abhishek Kumar, Legal Consultant, Excise

ORDER

Dated :04.05.2026

1. The above named petitioner seeks “Anticipatory Bail” in connection with **Bhabhua P. S. Case No. 286/2026** for offence punishable U/S 30(a) of Bihar Prohibition & Excise Act 2022.
2. The prosecution case, in short, is that on dated 21.03.2026 at about 08:00 hrs the informant along with mahal chowkidar and police team searching against the illicit liquor seller at Hanuman Temple village Manihari. At the time of searching the police team saw two men with motorcyclist came, the police team signaled to stop but they tried to flee away, the police team chased and apprehended motorcyclist with liquor and the pil-lion succeeded to flee away. He disclosed his name as Niraj Kumar and the fled accused Bhatu Kumar. Recovery of illicit liquor is 27 liters of 135 pieces of 200 ml Blue Lime Desi Liquor from the sack kept between them. 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 antecedent. 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 it has been found that the petitioner's wife is the owner of the vehicle from which recovery was made. Prima-facie case is made out against the petitioners. Therefore considering the provisions contained in section 76(ii) of Bihar Prohibition and Excise (amendment) Act application for anticipatory bail is not maintainable. Accordingly the same is hereby rejected. Petition disposed off accordingly.

(Dictated)

Sd/-

(Chandra Bir Singh)

I/c Special Excise Judge-1