

In The Court of Exclusive Special Judge Excise Court No.-I, Katihar

Telta P.S. Case No-01/2026, A.B.P-27-2026

U/s 30(a) of Bihar Prohibition and Excise Act

1. Nitish Sah, S/o- Umesh Sah, Vill- Ghyandov, P.S- Amour, Dist- Purnea (Bihar).
V/s
State

Ld. Counsel: for State: Shri Noor Alam.

Ld. Counsel for petitioner : Md. Saud Alam.

21.04.2026

- (1) Anticipatory Bail petition has been filed on behalf of the petitioner namely Nitish Sah in connection with Telta P.S. Case No- 01/2026 U/s 30(a) of Bihar Prohibition and Excise Act. Copy of the bail petition has been duly served to Ld. Spl. P.P. of Excise.
- (2) Heard the learned counsel for the petitioner and Ld. Spl. P.P. of Excise.
- (3) The case of prosecution in brief is that on 04.01.2026, during patrolling and raid by informant and police personnels, two motorcycle were coming from Dalkola side, each carrying two persons. Having seen the informant, accused-persons attempted to flee away but out of them, three persons were apprehended but one motorcycle rider absconded. Upon interrogation, arrested persons disclosed their name themselves as Nitish Sah and Suraj Kumar Choudhary and when the search was conducted, total 21.540 liters illegal alcoholic foreign liquor was recovered from a pitthu bag kept on the seat of the said vehicle and meanwhile one accused namely Nitish Kr. Sah succeeded to flee away due to taking advantage of darkness during seizure of alleged material. Thus, one accused-person namely Suraj Kr. Choudhary was arrested and seizure list was accordingly prepared. Hence, the F.I.R.
- (4) The Ld. Counsel for the petitioner namely Nitish Sah has submitted that the petitioner has been falsely implicated in this case. He has not filed any bail petition in this court or any superior court earlier to this petition. Further, it is submitted that petitioner has been never involved in the sale of liquor and thus prayed for the anticipatory bail.
- (5) The learned special P.P. opposed the prayer of bail.
- (6) Having heard and after the perusal of FIR itself, it appears that there is direct and precise allegation against the petitioner who is named offender in the FIR and moreover, 21.540 liters of foreign liquor was recovered from the aforesaid motorcycle which was being driven by the petitioner, who left the vehicle and escaped from the spot. Further, It transpires as per Para -30 of the case diary that the accused-petitioner is the registered owner of the seized vehicle which shows the accused-petitioner was involved in transporting liquor through his own vehicle.

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21.04.2026

Considering the above facts and circumstances of this case, it appears that prima-facie case exists on the face of the FIR itself against the petitioner and thus, the petitioner does not deserve the privilege of anticipatory bail. Hence, the anticipatory bail petition filed by accused-petitioner Nitish Sah is found not maintainable and thus hereby rejected.

Dictated
Sd/-

Exclusive Special Judge
Excise Court No.-I, Katihar

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