

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

Balrampur P.S. Case No-148/2025, A.B.P-79/2026

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

1. Ayush Kumar, S/o- Yogendra Sah, Vill-Kalasan Rasulpur, P.S- Dhuriya, Dist- Madhepura. V/s State
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Ld. Counsel: for State: Shri Noor Alam.

Ld. Counsel for petitioner : Shri Rakesh Kumar.

11.05.2026

- (1) Anticipatory Bail petition has been filed on behalf of the petitioner namely Ayush Kumar in connection with Balrampur P.S. Case No- 148/2025 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 05.09.2025, during patrolling and raid by informant and police personnels reached at Bajargaw checkpost, in the mean time the raiding party intercepted a white colour of Galanza car bearing regd. no- BR39PA4986 in which two persons were found sitting inside the car and when it was searched, total 180.75 liters of illegal alcoholic foreign liquor was recovered which was kept in back container and under the middle seat of the seized vehicle. Thus, both persons were arrested and seizure list was accordingly prepared. Hence, the F.I.R.
- (4) The Ld. Counsel for the petitioner namely Ayush Kumar 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, Ld. Counsel for the petitioner has submitted that petitioner is the registered owner of the seized vehicle and co-accused namely Pawan Ram and Toofan Ram were using the petitioner's vehicle in good faith with the permission of the petitioner but in the meantime, both co-accused-persons were transporting illegal liquor in petitioner's vehicle without the knowledge of the petitioner and the petitioner was never transported any liquor in his own vehicle 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, 180.75 liters of foreign liquor was recovered from the aforesaid car vehicle. Further, It transpires as per Para -28 of the case diary that the accused-petitioner is the registered owner of the seized vehicle and the SDR shows that mobile number- 9142473923 is registered in the name of petitioner's father and the CDR shows that the above mentioned mobile number tower location was nearby place of occurrence on the date of occurrence i.e. 05.09.2025 which shows that the accused-petitioner was actively involved in this alleged offence along with the co-accused. Further, notice U/s 179 of BNSS has been served to the petitioner as per Para 32 from case diary but he did not turned up to the concerned P.S. for to put forth his side as per Para 37, 41 and 46 of the case diary.

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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 Ayush Kumar is found not maintainable and thus hereby rejected.

Dictated
Sd/-

Exclusive Special Judge
Excise Court No.-I, Katihar

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