

IN THE COURT OF AMIT KUMAR SHUKLA, EXCLUSIVE SPECIAL EXCISE COURT NO. 2

-CUM-

**DISTRICT & ADDITIONAL SESSIONS JUDGE,
ROHTAS AT SASARAM**

Rohtas (Amjhor) P. S. Case No. 130/2018

CIS / Reg. No. 958/2018

THE STATE OF BIHAR VS AMIT KUMAR & 02 OTHERS

ORDER

12.03.2026

Case called out. All three accused Amit Kumar, Ankit Kumar and Chandrama Chaudhary appeared before this court with his learned Counsel. The counsel for the accused files a petition stating therein that three accused persons want to plead guilty and pray to permit the accused to plead guilty.

On perusal of the record, it transpires that the accused Amit Kumar, Ankit Kumar and Chandrama Chaudhary were apprehended near Jogidih High School by the police on 04.05.2018. Accordingly, case was registered against the all accused Amit Kumar, Ankit Kumar and Chandrama Chaudhary as Rohtas (Amjhor) P.S. Case No. 130 of 2018 dated 05.05.2018 U/s 37 (b) (c) of Bihar Prohibition and Excise Act 2016. All three accused were enlarged on bail on 14.05.2018.

The charge sheet was filed against the all accused namely Amit Kumar, Ankit Kumar and Chandrama Chaudhary on 02.07.2018 vide charge sheet no. 44/2018. The cognizance was taken in this case U/s 37 (c) of Bihar Prohibition and Excise Act 2016 on 02.07.2018.

The Bihar Prohibition and Excise Act 2016 has been amended by the Bihar Prohibition and Excise (Amendment) Rules 2022. The amendment is effective from 5th April, 2022 and the amendment is applicable to all the pending cases. The Section 37 of Bihar Prohibition and Excise Act 2018 has been dealt with by Rules 9, 10 and 11 Bihar Prohibition and Excise (Amendment) Rules 2022 and these rules amend Rules 18, 18A and 18B of the Bihar Prohibition and Excise (Amendment) Rules 2021 respectively.

Clause 3 of Rule 18 of Bihar Prohibition and Excise (Amendment) Rules 2022 reads as under “Based on the report, and the deposition made by the accused in Form VIA before the Executive Magistrate, the accused may be sentenced by the Executive Magistrate to pay a fine not less than Rs. 2,000 but not exceeding Rs. 5,000 or undergo simple imprisonment Clause 3 of Rule 18 of Bihar Prohibition and Excise (Amendment) Rules 2022 reads as under “Based on the report, and the deposition made by the accused in Form VIA before the Executive Magistrate, the accused may be sentenced by the Executive Magistrate to pay a fine not less than Rs. 2,000 but not exceeding Rs. 5,000 or undergo simple imprisonment for a period of 30 days in case the accused refuses to pay. Order sheet format is indicated at Form VII for use of the Executive Magistrate.”

Clause 5 of Rule 18A of Bihar Prohibition and Excise (Amendment) Rules 2022 reads as under “The Executive Magistrates shall dispose of these transferred cases in terms of provisions of

Contd. -

12.03.2026 the Act. In such transferred cases, where the accused have already undergone 30 days of imprisonment, the Executive Magistrate may close such proceedings after issuing due summons to the accused. Where ever, the accused have not completed 30 days of imprisonment, the Executive Magistrate may issue summons to the accused and subject to his depositing such penalty as directed, close the proceedings.”

Clause 6 of Rule 18A of Bihar Prohibition and Excise (Amendment) Rules 2022 reads as under “Till such time as the Patna High Court confers the powers to these Executive Magistrates, the Special Courts shall continue to look after cases under Section-37 filed on or after 1st April 2022. They shall be competent to impose such penalty / punishment as mentioend in Rule 18. For cases filed before 1st April 2022, the Special Court shall continue to dispose them as per Rule 18 read with clause (5) above, till the Executive Magistrates take over these cases.”ment for a period of 30 days in case the accused refuses to pay. Order sheet format is indicated at Form VII for use of the Executive Magistrate.”

In the present case, the substance of accusation has been explained to the accused today. All accused Amit Kumar, Ankit Kumar and Chandrama Chaudhary have filed a petition and pleaded guilty. I have recorded the deposition of above named accused. All accused Amit Kumar, Ankit Kumar and Chandrama Chaudhary are taken into custody. All accused Amit Kumar, Ankit Kumar and Chandrama Chaudhary are therefore sentenced to pay a sum of Rs. 2,000/- each or in default of payment of the said amount to undergo imprisonment for 30 days under Section 37 of Bihar Prohibition and Excise Act 2016.

From the perusal of the case diary and other materials available on the record, I do not find criminal antecedent against the above named accused persons nor the learned Special Public Prosecutor pointed out any. All three accused Amit Kumar, Ankit Kumar and Chandrama Chaudhary have deposited the amount of sentence in Nazarat of Civil Court, Sasaram vide receipt no. 0095405 dated 12.03.2026 and filed the original receipt on the record, therefore, in view of above discussed legal position and the circumstances of this case, in my considered opinion it is just, legal, proper and judicious to drop the proceeding against all accused namely Amit Kumar, Ankit Kumar and Chandrama Chaudhary. Accordingly, the case proceeding against the accused Amit Kumar, Ankit Kumar and Chandrama Chaudhary are closed and directed to be released from custody.

The case will continue against rest one accused namely Nagendra Kumar.

Dictated

(Amit Kumar Shukla)

Exclusive Special Excise Court No. 2

-cum-

District & Addl. Sessions Judge

Rohtas at Sasaram

12.03.2026

