

**In the Court of Addl. District & Sessions Judge-II-cum-
Spl. Excise Court No.-I, Gopalganj
A.B.P. No.2151 of 2023**

(i) Dipak Yadav
(ii) Pawan Manjhi
(iii) Ashish Yadav

Petitioners.

Versus

The State of Bihar

Opposite Party.

Counsel for the petitioner :- Sri Yudhisthir Mishra, Advocate
Counsel for the State :- Sri Awadhesh Prasad Mani, Spl. P.P.

Order

11.08.2023

Anticipatory bail petition has been filed on behalf of petitioners namely (i) Dipak Yadav, (ii) Pawan Manjhi and (iii) Ashish Yadav, who are apprehending their arrest in connection with Fulwariya P.S. Case No.274 of 2023, U/s.30(a) of the Bihar Prohibition and Excise Amendment Act 2018.

Learned counsel for the petitioners submits that petitioners are quite innocent and they have been falsely implicated in this case. Further he submits that nothing has been recovered from the conscious possession of the petitioners and eleven cases are pending against the petitioner No. (i), three cases are pending against the petitioner No. (ii) and petitioner No. (iii) bears clean past, so they may be enlarged on anticipatory bail.

On the other hand, learned Spl. P.P. appearing on behalf of the State opposed the anticipatory bail petition of the petitioners.

The prosecution case, in brief is that on 31.07.2023 at about 17.10 O'Clock, informant got a secret information that Dipak Yadav, Nitish Yadav, Pawan Manjhi and Ashish Yadav are bringing wine from Scorpio and going through Jamunaha to Madipur. On the basis of said information, informant and other police party reached at Madipur bridge and police indicated to stop, but on seeing the police party, they began to flee away. However, police chased them, but they managed to flee away by leaving a Scorpio Car and they were identified as Dipak Yadav, Nitish Yadav, Pawan Manjhi and Ashish Yadav by the police team. Thereafter, during course of search, total 604.800 liter foreign

wine has been recovered from Scorpio bearing Reg.No.BR01PG-2368. Accordingly, a seizure list was prepared in presence of witnesses. Hence the F.I.R.

Having heard the parties and from perusal of record, it appears that total 604.800 liter foreign wine has been recovered from Scorpio bearing Reg. No. BR01PG-2368 and the accused-petitioners managed to flee away from the place of occurrence. Further, petitioner No. (i) and (ii) are men of criminal antecedents and several criminal cases are registered against them. Further, ld. Counsel for the accused-petitioners has prayed for disposal of the anticipatory bail petition. Moreover ABP is not maintainable as per provision provided in the Excise Act.

In view of the above mentioned facts and circumstances of the case and in view of discussions made above, anticipatory bail petition of the petitioners are not maintainable U/s. 76(2) of Bihar prohibition of Excise Act 2018. Accordingly the prayer for anticipatory bail of the petitioners stand rejected.

(Dictated)

ADJ-II-cum-Spl. Judge
Excise-I, Gopalganj.