

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16091 of 2026

Arising Out of PS. Case No.-5 Year-2026 Thana- Excise P.S. District- Banka

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Laxman Choudhary @ Lakshman Kumar Chaudhary S/O Adhik Lal
Chaudhary Resident of Vill.- Makduma, P.S.- Amarpur, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-04-2026 Heard Mr. Dhananjay Kumar Pandey, learned
counsel for the petitioner and Ms. Shaheen Begum, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.01.2026 in connection with Banka Excise P.S. Case No. 05
of 2026, F.I.R. dated 08.01.2026 for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. Recovery is of 25 liters of country made liquor and
150 liters of fertilized Mahua.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the



conscious possession of the petitioner rather the recovery has been made from a canal which is an open place. He further submits that there is non-compliance of Section 100 of Cr.P.C/103 of BNSS and similarly situated co-accused person, namely, Sikandar Kumar Choudhary @ Sikandar Choudhary has been granted the privilege of bail by co-ordinate Bench of this Court vide order dated 16.03.2026 in Cr. Misc. No. 16967 of 2026 and the petitioner is in custody since 08.01.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries three criminal antecedents other than the present one of similar nature but fairly submits on the basis of supplementary affidavit filed on behalf of that the petitioner is on bail in the said matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Exclusive Excise Court-2, Banka in connection with Banka Excise P.S. Case No. 05 of 2026, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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