IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76775 of 2026

CNR No. BRHC011113122026

Arising Out of PS. Case No.-1168 Year-2025 Thana- SAHARSA SADAR District- Saharsa

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Ajay Kumar @ Ajay Choudhary Son of Ravindra Choudhary R/o vill-Bharatiya Nagar Batraha, ward no. 26/35, P.S.- sadar (Saharsa), Distt.-Saharsa

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the State : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-10-2026 Heard learned Counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Saharsa P.S. Case No. 1168 of 2025, lodged on 14/10/2025, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, total recovery of 25 litres of country made wine has been made, which is the subject matter of this case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that name of the petitioner has been inserted in

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this case on the basis of suspicion. Counsel further submits that name of the petitioner has come in this case by virtue of confessional statement of co-accused person. Counsel further submits that nothing was recovered from the conscious possession of the petitioner. Counsel further submits that charge-sheet has already been submitted. Counsel also submits that the criminal antecedent of the petitioner is not clean as there are five criminal cases pending against him in which he is on bail and in the present case he is in custody since 18/08/2026.

5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner but fairly submits that nothing was recovered from the conscious possession of the petitioner.

6. As such, in the present facts and circumstances, let the above named petitioner be granted bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Exclusive Special Excise Judge-II, Saharsa, in connection with Saharsa P.S. Case No. 1168 of 2025, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023 with other following conditions:-

(i) One of the bailors should be the family member of the petitioner who shall provide official document to show his *bona fide.*

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(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself.

(iii) The Trial Court shall verify that the petitioner is not absconding in any of the cases pending against him whose details are mentioned below:-

i) Saharsa Excise P.S. Case No. 167 of 2019

ii) Saharsa P.S. Case No. 288 of 2025

iii) Saharsa P.S. Case No. 128 of 2025

iv) Saharsa P.S. Case No. 333 of 2026

v) Saharsa Excise P.S. Case No. 313 of 2026

(Dr. Anshuman, J)

Anshuman/-

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