

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20950 of 2026

Arising Out of PS. Case No.-88 Year-2025 Thana- Excise P.S. District- Saran

Md. Rustam @ Rustam Ali Son of Late Abdul Gafar Resident of Village-
Karimchak, Korar, P.S.- Chapra Nagar, District- Saran, Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate
For the State : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-03-2026 Heard Mr. Samir Kumar, learned counsel for the
petitioner and Mr. Narsingh Tanti, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
09.05.2025, in connection with Sadar Excise P.S. Case No. 88 of
2025, F.I.R. dated 08.05.2025 registered for the offences
punishable under Sections 30(a) and 32(3) of the Bihar
Prohibition & Excise Act, 2016.

3. Recovery is of 56 litres of *country made* liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
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 recovery has been made from the Toto in question and



petitioner is neither the owner nor the driver of the Toto in question and the petitioner was the passenger in Toto in question. He further submits that the petitioner has been made accused on the basis of suspicion and co-accused person namely, Maksud Alam who is driver of the Toto in question has been granted bail by a Coordinate Bench of this Court vide order dated 24.09.2025 passed in Cr. Misc. No. 67938 of 2025. He further submits that there is non-compliance of Section 103 of BNSS, 2023 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.05.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is non-compliance of Sections 103 of the BNSS, 2023 and similarly situated co-accused person has been granted bail by a Coordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise



Court No. 03, Saran at Chapra in connection with Sadar Excise
P.S. Case No. 88 of 2025, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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