

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41304 of 2026

Arising Out of PS. Case No.-128 Year-2026 Thana- BAKHTIYARPUR District- Patna

Rahul Mishra @ Rahul Kumar, S/o Umesh Mishra, R/o village-Naya tola,
Sangatpor, PS-Bakhtiyarpur, Distt- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Bhim Sen Prasad, Advocate
For the State	:	Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Bakhtiyarpur PS. Case No.128 of 2026, dated-02.03.2026, registered for the offences punishable under Sections 20, 22(a) of the N.D.P.S. Act and Section 25(1-b) (a), 26 of the Arms Act.

3. As per allegation, 700g ganja and one country made pistol has been recovered from the house of the Petitioner.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the recovery has not been made from the house of the Petitioner, but even from the overhang (chhaja) of his house which is not kept by the him. Moreover,



the recovered quantity of ganja is less than the small quantity. As far as the punishment in regard to illegal arms, it is punishable maximum up to five years.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in two other cases.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the small quantity of the contraband and maximum punishment under the Arms Act for the alleged offence beign up to five years, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Bakhtiyarpur P.S. Case No.128 of 2026, subject to the conditions as laid down under Section 482 (2) of the



B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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