IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75903 of 2026

CNR No. BRHC011105472026

Arising Out of PS. Case No.-326 Year-2026 Thana- BYPASS District- Patna

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Rustam Kumar @ Raftaar, s/o Devandra Prasad alias Devandra Gope R/O Village - Chhoti Pahadi Devi Sthan Road, PS - Agamkuan, District - Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate
Ms. Wajeeha Jafri, Advocate
Ms. Richa Mohan, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 27-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, Section 25(1-B) a, 26 and 35 of the Arms Act and Sections 310(4) and 310(5) of BNS.

3. The case of the prosecution is that police received information that the petitioner along with others was planning to commit some offence. On this information, the place was searched and the petitioner was also apprehended from that place. It is alleged that altogether 5.58 liters of illicit foreign liquor, one mobile and one country made pistol were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned

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counsel for the petitioner has submitted that only a mobile phone has been recovered from his possession except that, no any incriminating article has been recovered from his possession. Incriminating article has been recovered from the possession of co-accused persons. Learned counsel has submitted that the witnesses of the seizure list are police personnel and police have not complied Section 105 of BNSS while preparing seizure list. Moreover, the petitioner is languishing in judicial custody since 20.08.2026.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Khajekalan P.S. Case No. 326 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City.

(Ashok Kumar Pandey, J)

Shubham/-
Ravi/-

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