

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77972 of 2025

Arising Out of PS. Case No.-413 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

Saddamm Husain @ Sadam Hussain son of Mansur Alam Resident Of Village
- Shivrajpur, Ps- Barhaiya, Dist- siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kuchaikote P.S. Case No. 413 of 2025 instituted for the offence under Sections 132, 109(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 25(1-B)(a), 26, 27 & 35 of the Arms Act and Sections 30(a) & 41(1) of the Bihar Prohibition and Excise Act.

3. On secret information, the police intercepted a Scorpio near Mathiya Hardo carrying illicit liquor, but the passengers attempted to flee and opened fire on the police. During the encounter, one person, Saddam Hussain (petitioner), was injured and apprehended, while two others escaped. From



the vehicle 549 litres of country-made liquor and from the petitioner one country made pistol and a live cartridge were recovered.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.09.2025. Petitioner bears one criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case as neither the alleged liquor, country made pistol, nor the vehicle was recovered from his conscious possession. The case has been maliciously instituted without any concrete basis to humiliate the petitioner and damage his reputation. There is no compliance of Section 103 of the BNSS, 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and manner of petitioner's implication, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties



of the like amount each to the satisfaction of Court below/concerned Court in connection with Kuchaikote P.S. Case No. 413 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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