

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87604 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- SAHJAHANPUR District- Patna

Rupesh Kumar Son of Late Suresh prasad R/o Village -Top, P.S.
-Shahjahanpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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

ORAL ORDER

3 31-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Shahjahanpur PS Case No. 96 of 2025 instituted for the offences
under Section/s 30(a) of the Bihar Prohibition and Excise Act
and Sections 25(1-b)a, 26, 35 & 27 of the Arms Act.

3. The prosecution case, in short, is that 750 mL
liquor was recovered from the possession of the petitioner. It is
also alleged that one country made pistol was recovered from
the possession of co-accused person.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from



the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor and arms. From perusal of the FIR, it would manifest that recovery of arms is made from the possession of other co-accused person. It is submitted that recovery of liquor is from an open place, which is accessible to one and all. The petitioner is in custody since 25.10.2025 and has got no criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023.

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

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Shahjahanpur PS Case No. 96 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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