

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80130 of 2024**

Arising Out of PS. Case No.-100 Year-2024 Thana- AGIAON BAZAR District- Bhojpur

1. Babudhan Musahar, Male, aged about 34 years, Son of Late Pravesh Musahar @ Late Ram Pravesh Musahar
2. Chotu Musahar, Male, aged about 31 years, Son of Late Pravesh Musahar @ Late Ram Pravesh Musahar
3. Moti Musahar, Male, aged about 42 years, Son of Late Pravesh Musahar @ Late Ram Pravesh Musahar, All are resident of Village- Khannikala PS- Agiaon Bazar Distt- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      04-12-2024                      Heard Mr. Shashank Shekhar, learned counsel  
appearing on behalf of the petitioners and Mr. Awadhesh Kumar  
Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Agiaon Bazar P.S. Case No. 100 of 2024 registered for the offence(s) punishable under Sections 30(a), 44 and 45 of the Bihar Prohibition and Excise Act; Sections 147, 148, 149, 341, 323, 324, 325, 307, 308, 332, 333, 336, 337, 338, 353, 224, 225, 426 and 427 of the Indian Penal Code and Section 3 of Prevention of Damage to Public Property Act, 1984.

3. As per the allegation made in the FIR, 10 litres of



country made Mahua liquor was recovered from the house of co-accused Sudarhsan Musahar in course of search conducted by the police officer. The accused persons restrained and assaulted the police party. The FIR is against 44 persons.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Recovery is made from the house of co-accused Sudarhsan Musahar and petitioners have no concern with the seized liquor. There is general and omnibus allegation against the petitioners and specific allegation is against co-accused Yogendra Musahar, Dipak Kumar and Naval Kumar Singh and at best, petitioners can only be considered to be a member of the crowd.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR and also the fact that recovery of illicit liquor is said to be made from the house of co-accused Sudarhsan Musahar and there is no specific allegation of assault against the petitioners, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be



released on pre-arrest bail, in the event of their arrest or  
surrender before the learned District Court within a period of  
four weeks from today, on furnishing bail bond of Rs. 10,000/-  
(Rupees Ten Thousand) each with two sureties of the like  
amount each to the satisfaction of learned Exclusive Special  
Excise Court No.1, Bhojpur at Ara in connection with Agiaon  
Bazar P.S. Case No. 100 of 2024, subject to the conditions as  
laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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