

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16660 of 2025**

Arising Out of PS. Case No.-5 Year-2025 Thana- NATWAR District- Rohtas

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1. Sadhu Mushar @ Ravindra Mushar Son of Gangu Mushar R/o Village-Sarawan, Mushari Tola, P.S-Natwar, District-Rohtas, Bihar
  2. Malik Mushar Son of Gangu Mushar R/o Village-Sarawan, Mushari Tola, P.S-Natwar, District-Rohtas, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Jai Prakash Singh

For the Opposite Party/s : Mr.Rabindra Kumar

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      16-04-2025              1.    Heard learned counsel for the petitioners and learned A.P.P. for the State.

                                         2.    The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

                                         3.    Learned counsel for the petitioners submits that the petitioner No. 1 is a person with clean antecedent and Petitioner No. 2 has antecedent of one case and allegation is of recovery of 30 litres of liquor from a place near the house of petitioner No. 2.

                                         4.    Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was



recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners but then is adjacent to the house of Petitioner No. 2 and they came to be implicated by the *Chowkidar*. It is also submitted that if Chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts aspersions on the case of the prosecution. It is further submitted that police in a mechanical manner implicates without holding proper investigation either at the instance of Chowkidar, local people, secret information or confessional statement

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Natwar P.S. Case No. 05 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.



7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner No. 1 has antecedent of even one case and petitioner No. 2 has antecedent of more than one case in that event the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner No. 1 is a person with clean antecedent and Petitioner No. 2 has antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

SUMIT/-

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