

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30113 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- SURYAPURA District- Rohtas

Aaitwaru Mushar S/O Late Madaie Mushar Resident of Village- Balihar,
Mushar Toli, P.S.- Suryapura, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Kant, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 25-06-2025 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Suryapura P.S. Case no.100 of 2025 registered under
section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, a secret information
having been received that the petitioner is involved in the
business of liquor, the police party conducted raid and 26 liters
of illicit liquor was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that no
recovery has been made from the conscious possession of the
petitioner and the recovery has been shown from his house
which is a joint family property and the petitioner has no
knowledge as to whom the concerned liquor belongs. Learned



counsel for the petitioner further submits that no independent witness is there on the seizure list further indicating violation of mandatory provisions of the B.N.N.S. The petitioner has one criminal antecedent under the Bihar Prohibition and Excise Act and it is for this reason that the police has implicated him in the present case. The petitioner undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that the petitioner has one criminal antecedent of the same nature.

6. Considering the above mentioned facts and circumstances of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Suryapura P.S. Case no.100 of 2025 furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.2, Rohtas at Sasaram, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 on the following conditions:-



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

(II) He shall co-operate in the investigation/trial and would make himself available before the Investigating Officer of the present case on an interval of every 15 days till the submission of the charge-sheet.

(III) The learned Court below would however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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