

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34633 of 2025

Arising Out of PS. Case No.-585 Year-2024 Thana- BANIAPUR District- Saran

Satrohan Mushar @ Shatrudhan Mushar Son of Late Ramdeo Musahar
Resident of Village - Ibrahimpur, P.S.- Baniyapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Suman, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2025 Heard Mr. Mukesh Kumar Suman, learned counsel for
the petitioner and Mrs. Indu Kumari Srivastava, learned APP for
the State.

2. The petitioner is apprehending his arrest in connection with Baniyapur P.S. Case No. 585 of 2024 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, 2016, lodged on 29.12.2024 by the informant, Ravikant Pal.

3. As per the prosecution story, the informant alleged that on secret information, he reached the place, a person managed to escape, the Chaukidar named him, nearer his house, 50 litre country made liquor recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that he



has no criminal antecedent, recovery/seizure is from an open place, the Chaukidar due to enmity named him.

5. Learned APP opposes the prayer for anticipatory bail.

6. Taking into account the submissions of the parties as also that recovery/seizure is not from conscious possession of the petitioner rather from an open place, he do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Exclusive Special Excise Court, Saran at Chapra, in connection with Baniyapur P.S. Case No.585 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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