

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62504 of 2025

Arising Out of PS. Case No.-162 Year-2025 Thana- KOCHAS District- Rohtas

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1. Vakil Mushar S/O Late Haridwar Mushar Resident of Village- Kapasiya, Police Station- Kochas, District- Rohtas at Sasaram.
 2. Jitendra Mushar @ Jitendra Kumar S/O Vakil Mushar Resident of Village- Kapasiya, Police Station- Kochas, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Ms. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2026 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 offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018-22.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent and allegation is of recovery of 6 litres of liquor from house of the petitioners. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and the house in question is a joint family property as such it cannot



be alleged with certainty that it were petitioners, who had kept the liquor in the house or the liquor kept in the house was within their knowledge and after amendment in the Excise Act in the year 2018, the concept of deemed possession and presumed offender has been done away with and they came to be implicated at the instance of chowkidar but then it is submitted that if chowkidar was aware of the involvement of the petitioners in the occurrence then why did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution.

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

5. 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 Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5000/- (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 Kochas P.S. Case No.162/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 has antecedent of more than one case and petitioner no.2 has antecedent of even one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but if after verification it is found that petitioner no.1 has antecedent of one case and petitioner no.2 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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