

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16017 of 2023**

Arising Out of PS. Case No.-157 Year-2022 Thana- KANHAULI District- Sitamarhi

MD. ATABUL ANSARI @ ATABUL ANSARI Son of Mubarak Ansari
Resident of village - Murahadih, P.S.- Kanhauli, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 324, 333, 353, 504, 506/34 of the Indian Penal Code and Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of total recovery of 153 liters of liquor from the places as detailed in the F.I.R.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession, it is next submitted



that the name of the petitioner transpired in the confessional statement of co-accused which does not have any evidentiary value, when admittedly the petitioner is a person with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the impugned order, it would manifest that petitioner has antecedent of two cases. The said submission of the learned A.P.P. is rebutted by the learned counsel for the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) 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 Kanhauli P.S. Case No. 157 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, the learned Trial Court prior to accepting the bail bonds of the petitioner shall verify with regard to the



criminal antecedent of the petitioner, in the event, if any antecedent of the petitioner is found, the present order shall not be given effect.

(Satyavrat Verma, J)

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