

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 56901 of 2023

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

ATABUL ANSARI S/O MUBARAK ANSARI R/O VILLAGE-
MURHADIH, P.S- KANHAULI, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Puja Kumari, Advocate

For the Opposite Party/s : Mr Parmanand Prasad, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard Ms Puja Kumari, learned counsel for the
petitioner and Mr Parmanand Prasad, learned APP.

2 The petitioner is in judicial custody in connection with Kanhauli PS Case No 157 of 2022 registered for the offence punishable under Sections 341, 324, 333, 353, 506, 504/34 of Indian Penal Code and Sections 30 (a) and 45 of the Bihar Prohibition and Excise Act.

3 As per the prosecution story, upon secret information that liquor is being smuggled from Nepal, the police raided the paddy field and apprehended Surendra Ram and recovered 36 liters liquor where after the house of Feku Rai was raided and there was another recovery of 81 liters. Finally, the houses of Sunita Devi and Golu Rai were raided and 36 liters of liquor were recovered. Both the apprehended accused Sunita Devi and Golu Rai named the petitioner herein alleging that they are involved in the occurrence. Accordingly, the FIR



lodged.

4 It is the case of the petitioner that, admittedly, the recovery is from co-accused Surendra Ram, Feku Rai, Sunita Devi and Golu Rai and only because of confession of Sunita Devi and Golu Rai before the police, the name of the petitioner has been dragged for which he has already suffered in custody since 09.06.2023 (paragraph 9 of the petition) though learned counsel for the petitioner submits that there is criminal antecedent of the petitioner of the same nature.

5 Learned APP opposes the prayer for bail. It is submitted that the name of petitioner has transpired in the confessional statement of co-accused Sunita Devi and Golu Rai.

6 Taking into account the submission of the learned counsel for the petitioner as also that, admittedly, the recovery/seizure is from the named persons, the petitioner is named in the confessional statement of co-accused and he is in custody since 09.06.2023, this Court is inclined to extend him the privilege of bail with conditions.

7 Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Exclusive, Court No 1, Sitamarhi in Kanhauli PS



Case No 157 of 2022 subject to the following conditions:

(i) One of the bailors should be the family member of the petitioner who shall provide official document to show his 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 bonds 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 his 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.

8 With the aforesaid observations, this application is
allowed.

(Rajiv Roy, J)

M.E.H./-

U		T	
---	--	---	--

