Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 9871 of 2023

Applicant :- Kapil Kumar
Opposite Party :- State of U.P.
Counsel for Applicant :- Vijay Kumar Rai,Raghavendra Rai
Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. This application has been moved on behalf of the applicant - Kapil Kumar seeking anticipatory bail in Case Crime No. 0745 of 2023, under Sections 60, 63 and 72 of Excise Act, Police Station- Sahibabad, District- Ghaziabad.

3.Learned AGA submitted that the offences levelled against the applicant are punishable with the imprisonment for a maximum period upto seven years. It is further submitted that a notice under Section 41-A Cr.P.C. has been given to the accused applicant in this matter by the police, and as such the applicant has no reason to believe that he has been arrested by the police.

4. In view of the above, since the accused applicant has no apprehension of arrest and also keeping in view the fact that the in such type of cases, the accused applicant is already protected from arrest by virtue of specific provision of Section 41-A Cr.P.C. and also in view of the judgement of the Apex Court passed in **Arnesh Kumar vs. State of Bihar and another, (2014) 8 SCC 273** and also in Criminal Appeal No. 2207 of 2023 **(Md. Asfak Alam Vs. State of Jharkhand & Anr) 2023 INSC 660** delivered on 31.7.2023, Hence, there is no need to proceed further in the matter.

5. Accordingly, this application is **disposed of.**

Order Date :- 21.11.2023
Fhd

Digitally signed by :-
FAHAD NIYAZ
High Court of Judicature at Allahabad