

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54099 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- NOORSARAI District- Nalanda

1. Amarjit @ Amarjit Kumar @ Ajit Yadav S/o Raj Kumar Yadav R/o village-Mathurapur, Parasi, P.S.- Noorsarai, District- Nalanda
2. Akhilesh Yadav @ Aklesh Yadav S/o Raj Kumar Yadav R/o village-Mathurapur, Parasi, P.S.- Noorsarai, District- Nalanda
3. Kamlesh Yadav @ Kamlesh Kumar S/o Raj Kumar Yadav R/o village-Mathurapur, Parasi, P.S.- Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-11-2022 At the outset, It is submitted by learned counsel for the petitioner that he seeks permission to withdraw this application against petitioner no.1 namely, Amarjit.

Permission is accorded.

This application is dismissed as withdrawn against petitioner no.1 namely, Amarjit.

However, if the petitioner no.1 surrenders and prays for regular bail, the same may be considered by the court below.

So far as rest of the petitioners are concerned, the instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with



Noorsarai P.S. Case no. 379 of 2021 instituted for the offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total total 65 liters country liquor from the bank of Shisha river.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Petitioners were not present at the place of occurrence and have no concern with the alleged recovery of illicit liquor or with the place of occurrence. The name of the petitioners have been disclosed in this case by the local local Chaukidar. It is further submitted that neither the petitioners were arrested on spot nor any incriminating article has been recovered from their conscious possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioner nos. 2 & 3 are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Noorsarai P.S.



Case no. 379 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional District and Sessions Judge-cum-Special Judge, Excise-2nd, Nalanda at Bihar Sharif subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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