

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57718 of 2023

Arising Out of PS. Case No.-459 Year-2023 Thana- FATEHPUR District- Gaya

Krishna Gupta, aged about 30 years (M), Son of Lakhan Sao Resident of village - Gopi More, Shanti Nagar, P.S. - Fatehpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the State : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Fatehpur P.S. Case No. 459 of 2023 dated 28.06.2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 87.15 litres foreign liquor from the rented house of Krishna Gupta.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to one criminal antecedent. Learned counsel further submits that the petitioner has no concern with the house where the said recovery was made. The *Chowkidar* has falsely



disclosed the name of the petitioner.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Gaya in Fatehpur P.S. Case No. 459 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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