

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59144 of 2023**

Arising Out of PS. Case No.-421 Year-2023 Thana- FATEHPUR District- Gaya

Naresh Kumar @ Naesh Yadav, S/O Ramdeo Yadav R/O Village- Purani
Bathan, P.S- Fatehpur, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR ADVOCATE GENERAL

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-09-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Fatehpur P.S. Case No. 421 of 2023 dated 13.06.2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

4. As per the prosecution case, 117 litres foreign liquor and 144 litres cane beer were recovered in the canal situated in village Bapu Gram near Amravati Mata Pahari. On seeing the police personnel, the petitioner and the co-accused persons fled away from the spot.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner was disclosed in this case by the local *chowkidar*. It is further submitted that the petitioner has no concern with the alleged recovery and the recovery has been made from an open place. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya in connection with Fatehpur P.S. Case No. 421 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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