

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21764 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -VIJAYPUR District- GOPALGANJ

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1. Devendra Gupta Son of Late Subhash Gupta Resident of Mohalla -
Madar Khas, P.S. Vijayeeupur, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. G.S. Gupta (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 08-07-2015 Heard Mr. Krishna Chandra for the petitioner and Mr.
Dayal, APP for the State.

Petitioner is facing prosecution in Vijayeeupur P.S. Case No.
25 of 2015 registered under Sections 272 and 273 of the Indian
Penal Code and Section 47(A) of the Excise Act for allegedly
possessing 200 ltrs of spirit. The same was recovered from a
dilapidated house which is said to be the house in possession of
the petitioner.

Mr. Chandra states that admittedly the spirit was not
recovered from the house in which the petitioner was living. In
fact, he is a resident of different place. The house belongs to his
agnates. They may have committed the offence.

Learned APP, on the other hand, points out that there is

clear allegation that the house belongs to the petitioner. The petitioner carries criminal antecedents. He is accused of few cases which are of different in nature.

Considering the facts and circumstances of the case, I am not persuaded to privilege the petitioner with anticipatory bail. Prayer is rejected. If the petitioner surrenders and prays for bail, the Court below shall consider the same on its own merit uninfluenced by the present order.

(Kishore Kumar Mandal, J)

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