

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48800 of 2014

Arising Out of PS.Case No. -86 Year- 2014 Thana -MUSRIGHARARI District- SAMASTIPUR

Vijay Kumar Gupta son of Brahmanand Prasad Gupta resident of village -
Motipur, P.S. Tajpur, District - Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr. Binod Kumar No. 2(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 30-04-2015 Heard learned counsel for the petitioner as well as
learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under section 47 (a) of Excise Act and sections 272 and 273 of the I.P.C.

Seeing the police personnel some persons in the hotel of the petitioner started hiding themselves and then search was made and as per seizure list foreign liquor was recovered from the hotel of the petitioner. The petitioner also succeeded in fleeing away and on demand no paper was produced by the employee.

Submission is that there is no allegation that wine was being sold to any customer. As a matter of fact, the recovered wine and beer were kept for the use in a function at the house of

the petitioner. The petitioner was also involved in Mushrigharari P.S. Case No. 57 of 2007 under section 47 (a) of the Excise Act and as such the petitioner deserves sympathetic consideration to which the learned A.P.P. opposes.

Considering the alleged recovery from the hotel of the petitioner and further considering his criminal antecedent, this Court is not persuaded to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with Mushrigharari P.S. Case no. 86 of 2014 pending in the court of C.J.M. Samastipur.

(Jitendra Mohan Sharma, J)

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