

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44097 of 2015

Arising Out of PS.Case No. -251 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Tapes h Prasad Gupta Son of Sheo Narayan Prasad resident of Village-
Bairiya Bazar, P.S.- Turkauliya District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Ashok Kr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 15-10-2015 Heard the Counsel for the petitioner and Mr. Dayal, APP for
the State.

Petitioner apprehends his arrest in connection with
Turakauliya P.S. Case No. 251 of 2015 registered under Sections
272, 273 and 471/34 of the Indian Penal Code and Section 47A of
the Excise Act.

On getting confidential information, the orchard of the
petitioner was raided when two persons escaped therefrom. On
chase, one of them namely Om Prakash Sahni was arrested. He
disclosed the name of other escaper as petitioner. The orchard
belongs to the petitioner where 410 pouches of country made
liquor is said to have been recovered.

Contention of the petitioner is that he was not present at the
place of occurrence. There is nothing on record to show that the

country made liquor was recovered from the conscious possession of the petitioner. He is on inimical terms with Om Prakash Sahni.

Learned APP, on the other hand, submits that there is allegation in the F.I.R. that it was recovered from the orchard belonging to the petitioner. He has antecedent of having committed offence of similar nature.

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

(Kishore Kumar Mandal, J)

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