

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24022 of 2017

Arising Out of PS.Case No. -182 Year- 2016 Thana -DURAULI District- SIWAN

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1. Pankaj Rai @ Pankaj Kumar Rai Son of Ashok Rai Resident of Village -
Darauli, Police Station - Darauli, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan

For the Opposite Party/s : Mr. Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in a case instituted
for the offences under Sections 272, 273/34 of the Indian Penal
Code and sections 37(a), 37(B), 38(i) and 41(i) of the Bihar
Excise (Amendment) Act, 2016.

Allegation has been made in the First Information
Report that petitioner and his friends have gone in the State of
U.P. and consumed liquor there. They were crossing the
barrier. His friends were caught and they have disclosed the
name of the petitioner that he has also consumed the liquor.

It is completely understandable that if a person has
consumed the liquor outside the State and he has not entered



the State, the police of the State has lodged a case against him. The petitioner has consumed liquor which is not prohibited in the State of U.P. and he never entered in the State of Bihar.

In such circumstances, this Court is of the view that it is completely highhandedness on the part of the police who has impleaded the petitioner in the present case

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioners, namely, Pankaj Rai alias Pankaj Kumar Rai, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, IIrd Siwan in connection with Darauli P.S. Case No.182 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shivaji Pandey, J)

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