

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23437 of 2017

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

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1. Sandeep Kumar Tiwary @ Sandeep Tiwary S/o Rameshwar Tiwary,
Resident of Village-Darauli, P.S.-Darauli, District-Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 10-07-2017 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.

As per First Information Report petitioner has gone to U.P. along with friends, consumed liquor and were crossing the boarder. The police started checking. Some persons were found in intoxicant condition and they have mentioned that petitioner 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 case against him who has taken liquor, where there was no prohibition in the State of U.P. The local law will remain confined to territorial jurisdiction of this State. Bihar police cannot lodge the case with respect to an event which has not been taken place in this State. This Court is of the view that no case under the Bihar Prohibition Act is made out.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioner, namely, Sandeep Kumar Tiwary alias Sandeep Tiwary, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate 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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