

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38090 of 2022**

Arising Out of PS. Case No.-65 Year-2022 Thana- MINAPUR District- Muzaffarpur

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DILIP RAY @ DILIP KUMAR YADAV SON OF RAVINDRA RAY @  
RAVINDRA KUMAR YADAV R/O VILLAGE- BISHUNPUR PANDAY,  
P.S.- MEENAPUR, DISTT.- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ramchandra Singh

For the Opposite Party/s : Mr.Narsingh Tanti

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      12-08-2022                      Let the defect(s), as pointed out by the office, be  
  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
  
Minapur P.S. Case No. 65 of 2022 registered for the offences  
  
punishable under Sections 272, 273 of the Indian Penal Code  
  
read with Section 30(a) of the Bihar Prohibition and Excise  
  
Amendment Act.

As per prosecution case, there is alleged recovery  
  
of 21 litres country made Mahua liquor, 50 litres Mahua Mitha  
  
solution besides other articles from the banana filed of the  
  
petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 26.04.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner nor from the house of the petitioner. The entire allegation against the petitioner is merely on suspicion and village politics. The recovery has been made from open field. Petitioner is not arrested on spot. There is no compliance of Section 100 of Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Judge/Court No. 1, Muzaffarpur in connection with  
Meenapur P.S. Case No. 65 of 2022, subject to following  
conditions:-

(i) One of the bailors shall be either father or  
mother or sister or brother or wife or the person who has sworn  
the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will  
remain present on all dates and absence for two consecutive  
dates without appropriate permission would be a ground for  
cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or  
the witnesses, in that case, the prosecution will be at liberty to  
move for cancellation of bail.

**(Alok Kumar Pandey, J)**

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