

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23933 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- VIDYAPATINAGAR District- Samastipur

Dilip Garayan @ Dilip Garay @ Dilip Gaurine Son of Late Kapleshwar
Garyan @ Kapleshwar Garay @ Kapleshwar Gaurine Resident of village -
Sherpur, P.S.- Vidyapati Nagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 24-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure list, would go to show that 1.800 liters of foreign liquor is said to have been recovered from a plastic bag which was found in a mustard field.

4. It is submitted by learned counsel for the petitioner that there is no recovery from the physical and conscious possession of the petitioner. As a matter of fact, the name of the petitioner has surfaced in the present case on the ground that the recovery has been made from a field which is



near the Bathan of the petitioner and the local villagers and the Choukidar have also mentioned about his involvement in the present case. The aforesaid recovery is from a mustard field of whom the petitioner is not the owner and the said field is an open space which is accessible to all.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has two criminal antecedents. To which, learned counsel for the petitioner submits that the petitioner is on bail in both the cases.

6. Taking into consideration the fact and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged 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 the learned court below where the case is pending/successor court in connection with Vidyapati Nagar P.S. Case No. 03 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further conditions:

(i) The petitioner shall cooperate in the investigation/trial.



(ii) One of the bailors will be a family member/close relative.

(iii) The petitioner would appear before the Investigating Officer of the concerned police station at an interval of every 15 days till the charge-sheet in this case is submitted.

(Soni Shrivastava, J)

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