

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22851 of 2025

Arising Out of PS. Case No.-14 Year-2025 Thana- DELHA District- Gaya

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Dilip Saw Thathera @ Dilip Saw Son of Late Janki Saw Resident of Village -
Dhaniya Bagicha, P.S.- Delha, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in connection with Delha

P.S. Case No. 14 of 2025 instituted for the offences under

Section 30(a) of the Bihar Prohibition and Excise

(Amendment) Act, 2022.

3. As per prosecution case, the police has recovered

total 93 liters of illicit country-made liquor from the Railway

quarters. The petitioner was arrested on the spot.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as

alleged against him and has falsely been implicated in the



present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the alleged recovery of illicit liquor has been made from the abandoned Railway quarter which does not belong to the petitioner. The petitioner has no concern with the seized liquor. The petitioner has been made accused in this case on the basis of his criminal antecedents. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has seven criminal antecedents and is languishing in judicial custody since 24.01.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Delha P.S. Case No. 14 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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