

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53377 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- LAUKAHI District- Madhubani

Dilip Das, son of Deo Narayan Das @ Dev Narayan Das, Village -Bagbira
PS- Kachan District -Sapatri, Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ratnakar Jha, Advocate Ms. Madhumita Singh, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 04-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
G.R. No. 130 of 2025 arising out of Laukahi P.S. Case No. 44 of
2025 for the offence registered under Sections 274, 275 of the
BNS and Section 30 (a) of the Bihar Prohibition & Excise
Amendment Act.

3. As per the prosecution case, 4-6 people were
entering India from Nepal carrying some jute bags on their
head. After seeing the SSB force, they thrown the jute bags and
started fleeing away out of which the petitioner was
apprehended on the spot and on search of the bag 153 litres of
Nepali country made liquor was recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the basis of suspicion. He has no concern with the seized liquor. Nothing incriminating was recovered from the conscious possession of the petitioner. Recovery is made from an abundant place. There is no compliance of the mandatory provision under Section 103 of the BNSS as seizure list witnesses are no independent witnesses. Petitioner is in jail custody since 03.03.2025, having no criminal antecedent. Petitioner undertakes to co-operate in the trial of the case. He further submitted that the Vijendra Das who is brother of petitioner and resident within district Madhubani has undertaken to furnish bail bond and surities.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the facts and circumstances of the case, the submissions of learned counsel for the parties and period of custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Jhanjharpur, Madhubani in



connection with G.R. No. 130 of 2025 arising out of Laukahi
P.S. Case No. 44 of 2025, subject to the following conditions:-

(1) One of the bailors should be local having
sufficient immovable property within the jurisdiction of the
Court concerned.

(2) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court
and on his absence on two consecutive dates without sufficient
reason, his bail bond shall be cancelled by the learned trial
court.

(Sunil Dutta Mishra, J)

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