

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64409 of 2025**

Arising Out of PS. Case No.-59 Year-2025 Thana- MADHWAPUR District- Madhubani

Dilip Das @ Dilip Kumar Das son of Bindeshwar Das @ Binda Das Village-
Balwa PS -Madhwapur District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar, Advocate
For the Opposite Party/s :		Mr. Damodar Prasad Tiwary, APP

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

ORAL ORDER

2 08-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Madhwapur P.S. Case No. 59 of 2025, instituted for the offences punishable under Sections 274, 275, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 72 liters liquor was recovered from jute sack at the bank of river.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from



the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner also submits that the petitioner was not present at the place of occurrence. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Rakesh Rai and the same has got no evidentiary value. It is next submitted that the alleged recovery has been made from an open place and the same is easily accessible to the public at large. The petitioner is in custody since 12.08.2025 and has got four criminal antecedents in which he is on bail in three cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 21.07.2025 passed in Cr. Misc. No. 46327 of 2025. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two



sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with Madhwapur P.S.
Case No. 59 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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