

Bail Matters 191/2025
STATE OF DELHI Vs. SANDEEP KUMAR
FIR no. 54/2025
u/s 33/38/58 of the Delhi Excise Act, 2009
PS Sarai Rohilla

03.02.2025

Present: Sh. Parvesh Ranga, Ld. Addl. PP for the State.

Sh. Pranay Abhishek, Id. Counsel for the accused Sandeep Kumar.

IO ASI Ishwar Dass.

This is an application u/s 483 of the BNSS 2023 for grant of regular bail filed on behalf of the accused Sandeep Kumar who is in JC since 16.01.2025. It has been further stated that the recovery of the alleged illicit liquor has already been done and there is no previous involvement of the present accused. It has been further stated that after the dismissal of the first bail application, one day PC of the accused was also obtained by the IO but nothing was recovered even thereafter, from the possession of the above said accused who is having clean antecedents. It has been prayed that the present applicant/ accused Sandeep Kumar be admitted to regular bail.

IO of the case has filed on record the reply to the present application, opposing the same.

The above said FIR no. 0054/2025 dated 16.01.2025 PS Sarai Rohilla has been lodged u/s 33/38/58 of the Delhi Excise Act, 2009 on the ground that during the normal patrolling duty, HC Mohd. Nadeem and Ct. Mukesh came across a vehicle bearing no. DL1LAL2760 make TATA Infra Pickup, white colour at about 06:35 AM on 16.01.2025 Mohalla Clinic Rakhi Market, near Railway Line, Zakhira and the above said accused together with the co-accused Subhash were found to be in possession of illicit liquor containing more than 2,500 quarters. Some of the quarters were having the seal of Frost Falken Distilleries Ltd., village Jahari, District Sonapat.

The IO, has submitted that one day PC of the accused was obtained by him and thereafter, the above said accused was sent to JC. It has been further submitted that the source of illicit liquor etc. could not be verified.

It has to be seen that the regular bail application of the accused was dismissed by this court on 27.01.2025 primarily on the ground that the source of the illicit liquor was to be verified by the IO but the IO of the case has failed to verify the source of illicit liquor despite the grant of one day PC.

In these circumstances, since recovery has already been effected, since the accused is in JC since 16.01.2025, and since the source of illicit liquor could not be verified by the IO despite the grant of PC by the IO, the present applicant/ accused Sandeep Kumar is admitted to bail on furnishing of personal bond and surety of the like amount in the sum of Rs. 50,000/- to the satisfaction of the Id. JMFC/ Ld. Link JMFC/ Ld. Duty JMFC/ Ld. CJM/ Ld. ACJM.

The accused shall abide by the following conditions:

- i) Accused shall not flee from the justice;*
- ii) Accused shall not tamper with the evidence;*
- iii) Accused shall not threaten or contact in any manner to the prosecution witnesses;*
- iv) Accused shall not leave the country without permission of the Court;*
- v) Accused shall convey any change of address immediately to the SHO/IO and the Court;*
- vi) Accused shall also provide his mobile number to the Court and SHO/IO.*
- vii) Accused shall keep his such mobile 'Switch On' at all the time;*
- viii) Accused shall regularly appear before the Court on each and every date of hearing;*

ix) Accused shall not indulge in any kind of criminal activities;

Nothing stated herein shall tantamount to be an expression of opinion on the merits of the present case and the observations made in the present order are only for the purpose of deciding the present bail application.

Copy of this order be sent to the concerned Jail Superintendent for information and necessary action. Copy of this order be also sent to the accused through concerned Jail Superintendent. Copy of this order be also given to SHO/IO concerned for information. Copy of this order be given dasti to counsel for the accused, if prayed for.

(Raj Kumar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
03.02.2025