



* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Reserved on: January 13, 2026
Pronounced on: January 31, 2026

+ **BAIL APPLN. 4209/2025**

DALBIR

.....**Applicant**

Through: Mr. Hariom, Adv. (through VC)

Versus

STATE OF NCT OF DELHI

.....**Respondent**

Through: Mr. Satish Kumar, APP with Ms. Upasna Bakshi, Adv. SI- Rinku B., Anti Narcotic Cell, North District.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

JUDGMENT

1. By virtue of the present bail application under *Section 483* read with erstwhile *Section 439* of the Code of Criminal Procedure, 1973 (*Cr.PC*), the applicant seeks grant of regular bail in proceedings arising from FIR No.463/2025 dated 19.06.2025 registered at PS.: Kashmere Gate, Delhi under *Sections 52(2)/33/58* of the Delhi Excise Act, 2009 (*Excise Act*) read with *Section 112* of the Bharatiya Nyaya Sanhita (*BNS*).

2. As per FIR, on 19.06.2025 at about 06:30 AM, a secret informer came to the office of Anti-Narcotics Cell, Kashmiri Gate and conveyed the information that a white Hyundai Accent car bearing registration no.DL-10 CD-6448 (*Car*), loaded with illegal liquor, would be going from Burari via



Kashmiri Gate at around 07:00 AM for the purpose of supply. The information was communicated to SI Jagbir, In-charge, Anti-Narcotics Cell, Kashmiri Gate, who directed immediate action and the said information was then reduced into writing and duly recorded *vide* DD No.03 dated 19.06.2025. Consequently, a raiding team comprising police officials was constituted and proceeded to Ring Road near U-Turn ahead of Yudhister Setu, Kashmiri Gate. Upon reaching the spot, despite efforts, no member from the public agreed to join the proceedings.

3. At about 07:10 AM, the said Car was intercepted with the help of barricades and upon inquiry, the driver was identified as Lucky S/o Subhash, aged 22 years, and the co-passenger as Rakesh S/o Ram Chander, aged 29 years. There was a total of 44 cartons (containing 12 bottles each), comprising of (i) 28 cartons containing 336 bottles (750 ml) of 'Murthal No.1 Country Spirit'; (ii) 6 cartons containing 300 quarters (180 ml) of 'Night Blue' liquor; (iii) 6 cartons containing 300 quarters of 'Orange Spiced Country Liquor'; and (iv) 4 cartons containing 200 quarters of country liquor, meant for sale in Haryana, recovered upon search of the Car. Representative samples were drawn, sealed with the seal "ANC-1", and Form M-29 was duly filled. The seized liquor, sample bottles, and the Car were all taken into police custody and the present FIR came to be registered.

4. Thereafter, during interrogation, the apprehended accused persons disclosed that the said illicit liquor had been supplied to them by the applicant herein from his vehicle bearing registration no. HR-36 AQ-6746, near GT Road, Village Khampur, Delhi. It was further revealed that the



applicant was operating a godown at Village Khampur, Delhi, where large quantities of illicit liquor were stored. Acting upon the said disclosure statements, local intelligence was developed and a raid was conducted on 21.06.2025 at Village Khampur, Delhi, during which the applicant was apprehended along with the said vehicle. At the time of the raid, co-accused Abhishek Kumar S/o Manoj Thakur was found loading cartons of illicit liquor from the godown into the vehicle, from which 7 cartons (each containing 48 quarters of 180 ml, marked For Sale in Chandigarh only) were recovered. Further, the search of the godown resulted in recovery of 645 cartons of illicit liquor of various brands, each containing 48 quarters of 180 ml, meant for sale in Chandigarh only. Accordingly, the applicant as well as the co-accused Abhishek Kumar were arrested and taken into judicial custody.

5. Though the applicant has raised many grounds, however, Mr. Hariom, learned counsel for the applicant submitted that the applicant has been falsely implicated in the present FIR, as he is neither named in the FIR nor any role has been assigned to him by the complainant or the prosecution. Even otherwise, he was not even present at the place of incident. The investigating agency is acting against the applicant only based on the disclosure statement made by co-accused, where his name has cropped up for the first time.

6. Mr. Hariom, learned counsel further submitted that the investigation in the present case has been concluded and the charge sheet has already been filed, therefore, no useful purpose would be served by keeping the applicant in judicial custody. Furthermore, the applicant has consistently co-operated



and assisted in the progress of the case and has never caused any impediment to the trial. Since All the co-accused have already been granted bail, the applicant, who is languishing in judicial custody since 21.06.2025, also deserves to be released on bail on the principle of parity.

7. *Per contra*, Mr. Satish Kumar, learned APP for the State opposed the present application and submitted that the name of the applicant came up during the interrogation of the co-accused, as according to him, he was supplying the illicit liquor to the applicant. In fact, during the raid conducted on 21.06.2025 at Village Khampur, Delhi, the applicant was caught red-handed in his vehicle in front of the godown, from whose possession a total of 652 cartons of illicit liquor, each containing 48 quarters of 180 ml (31,296 quarter bottles), meant for sale in Chandigarh only were recovered.

8. Mr. Satish Kumar, learned APP further submitted that the applicant has been previously involved in *three* (3) criminal cases i.e. (i) FIR No.64/2017, registered at PS.: GRP, Bahadurgarh, Haryana under *Section 160* of the Indian Penal Code, 1860 (**IPC**) {convicted based on confession *vide* order dated 12.09.2017}; (ii) FIR No.58/2019, registered at PS.: Saha, Ambala, Haryana under *Sections 120B/420* of the IPC read with *Section 61(1)(14)* of the Excise Act (pending Trial); and (iii) FIR No.53/2024, registered at PS.: Sadar Bahadurgarh, Haryana under *Section 61* of the Excise Act (pending Trial). Therefore, the aforesaid antecedents clearly demonstrate that the applicant is a habitual offender, involved particularly in offences relating to illicit liquor, therefore, if released on bail, he is likely to repeat the offence and misuse the liberty of bail. In light of the aforesaid factors, Mr. Satish



Kumar, learned APP submitted that bail may not be granted to the applicant.

9. This Court has heard the learned counsel for the applicant and the learned APP for the State as also perused the Status Report and the other documents on record.

10. The law regarding grant of bail has been laid to rest by the Hon'ble Supreme Court in *Prasanta Kumar Sarkar vs. Ashis Chatterjee*¹; *State of Uttar Pradesh vs. Amaramani Tripathi*² and *Deepak Yadav vs. State of Uttar Pradesh*³, as the parameters therein are laid out.

11. Considering the nature and gravity of the accusations levelled against the applicant, the severity of the punishment prescribed in the event of conviction; that the applicant has been involved in three other FIR's, *two* of which are under the provisions relating to the offences of illicit liquor; the applicant was caught red-handed with copious quantities of illicit liquor as a total of 652 cartons of illicit liquor, each containing 48 quarters of 180 ml (31,296 quarter bottles), meant for sale in Chandigarh, this Court does not find any reason for releasing the application on bail, at this stage. Under such circumstances when the applicant is not a resident of Delhi is also another factor playing in the mind of this Court.

12. Accordingly, the present application is dismissed in the aforesaid terms.

13. Needless to say, the observation(s) made, if any, on the merits of the

¹ (2010) 14 SCC 496

² (2005) 8 SCC 21

³ (2022) 8 SCC 559



matter are purely for the purposes of adjudicating the present application and shall not be construed as expressions on the merits of the matter.

SAURABH BANERJEE, J.

JANUARY 31, 2026/Ab/DA