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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 2231/2017

LAXMI

..... Petitioner

Through: Mr.Vikas Bhatia, Advocate

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr.Sanjeev Sabharwal, APP for the
State with SI Manish Dhillon
PS Khyala.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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13.11.2017

1. This is an application filed by the petitioner under Section 438 Cr.P.C. praying for grant of anticipatory bail in case FIR No.156/2016 under Sections 33/38/58 of Delhi Excise Act, PS Khyala.
2. Status report has been filed by the State.
3. The applications filed by the petitioner seeking anticipatory bail have been dismissed by the learned ASJ twice i.e. on 30th May, 2016 and on 6th September, 2017 interalia on the ground that despite the protection being granted by the learned ASJ, the petitioner preferred not to co-operate with the investigation.
4. In the instant case, FIR No.156/2016 under Section 33/38/58 of Delhi Excise Act, PS Khayala has been registered as three cartons containing 48 quarters each of illicit liquor were being transported on a two-wheeler

scooter bearing registration No.DL-3S-AF-9102 registered in the name of the petitioner. Despite joining the investigation, the petitioner preferred not to disclose the name of the persons/person driving or in possession of the two-wheeler scooter at the relevant time.

5. The power exercisable under Section 438 of The Code of Criminal Procedure is somewhat extraordinary in character and it is only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his liberty then power is to be exercised under Section 438. (*Rel. Adri Dharan Das vs. State of West Bengal* (2005) 4 SCC 303).

6. Taking into consideration that despite joining the investigation, the petitioner did not cooperate with the investigating agency and preferred not to disclose the name of the persons/person driving or in possession of the two-wheeler scooter at the relevant time, I do not find it to be a fit case to release her on anticipatory bail.

7. The bail application is dismissed.

PRATIBHA RANI, J.

NOVEMBER 13, 2017

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