

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2496 of 2023

Applicant :- Enamul Haque

Opposite Party :- Cbi Thru. Nipun Gupta S.P. / Cbi/Eou/Iv/Eo-Ii

Counsel for Applicant :- Vijay Pratap Singh, Raghvendra P. Singh

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vijay Pratap Singh, the learned counsel for the applicant as well as Sri Dharmendra Pratap Singh holding brief of Sri Anurag Kumar Singh, the learned counsel for the respondent-CBI and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in RC No. 2202022E0011-CBI/E.O.-II/ND, under Sections 120B r/w 419/ 420 IPC & 7(c) & 13(1) (a) r/w 13(2) of P.C. Act., Police Station CBI/EO-II/New Delhi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged by the CBI on 10.08.2022 against 19 persons, including the applicant, and some unknown public servants and private persons regarding smuggling of contraband goods like cigarette and saffron etc. in commercial quantity.
4. After investigation the CBI has submitted a charge sheet on 10.08.2022 against 13 persons and it is recorded that investigation against the applicant is still pending.
5. In the affidavit filed in support of the application it has been that on the basis of same set of facts, the Directorate Revenue Intelligence has filed a complaint against the applicant but the applicant has not received summons for the aforesaid complaint till date.
6. A co-accused Ajeet Tiwari against whom similar allegations have been levelled has been granted anticipatory bail by means of an order dated 24.07.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 664 of 2023.
7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant during pendency of the trial.

9. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant-Enamul Haque before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 6.11.2023

Pradeep/-