

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2589 of 2023

Applicant :- Vaibhav Sharma

Opposite Party :- State Of U.P. Thru. Secy. Home Deptt. Lko.
And Another

Counsel for Applicant :- Atul Verma, Akhilendra Pratap
Singh, Vinod Kumar Yadav

Counsel for Opposite Party :- G.A., Dipak Seth

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Atul Verma, learned counsel for the applicant, Sri Dipak Seth, learned counsel for Department of CGST and Central Excise-opposite party no.2 as well as Sri Jayant Singh Tomar, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. By means of the instant application, the applicant has approached this Court seeking anticipatory bail apprehending his arrest in furtherance of notice dated 27.09.2023 issued by the Superintendent (A.E/T.R.C) CGST & Central Excise, Lucknow, calling for the applicant's attendance to give evidence and produce documents mentioned in the notice.

3. In the affidavit filed in support of the application, it has been stated that another trader with whom the applicant had made transaction, had been issued a similar notice and he was taken in custody and he has been granted bail after having remained in custody for about 20 days which gives rise to reasonable apprehension in the applicant's mind that he may also be arrested in case he appears in response to the notice.

4. Sri Dipak Seth, learned counsel for CGST and Central Excise has opposed the bail application and he has submitted that unless an investigation is carried out, the applicant's guilt cannot come to light.

5. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is ready to appear before the authority and cooperate in the investigation and that the applicant has no criminal history and without making any observations which may affect the outcome 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.

6. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Vaibhav Sharma** before the learned Trial Court in the case under Section 132 of Central Goods and Service Tax Act, 2017, he shall be released on anticipatory bail 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 :- 9.11.2023

Renu/-