

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2703 of 2023

Applicant :- Chote Lal

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

Counsel for Applicant :- Ravindra Prakash Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ravindra Prakash Ojha, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 573 of 2023, under Sections 272 IPC, Section 60, 60(2) U.P. Excise Act, 1910, Police Station Motipur, District Bahraich.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.10.2023 against three persons, including the applicant, stating that on the basis of information received from a mukhbir, the police reached a sugarcane field where three persons were engaged in manufacturing illicit liquor. One person, namely, Radhey Shyam was arrested and the other two persons tried to escape on a motorcycle but when the motorcycle could not be started, they escaped through a sugarcane field leaving the motorcycle on the spot.

4. As per the recovery memo, eight plastic water tanks of capacity 500 litre each were half embedded in the field and about 4000 litre lahan was stored in the tanks. Some liquor stored in several containers was also recovered. About 2 kg. Ammonium Chloride and 2 kg. urea was also recovered from the spot.

5. In the affidavit filed in support of the application, it has been stated that the applicant is innocent and he has falsely been implicated in the present case. The applicant's involvement in two other cases has been disclosed in para 25 of the affidavit, in both of which the applicant has already been granted bail.

6. Learned AGA has vehemently opposed the bail application and he has submitted that as huge quantity of illicit lahan,

liquor, urea and Ammonium Chloride has been recovered in the present case, the facts of the case do not warrant grant of pre arrest bail to the applicant.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that a huge recovery of illicit lahan, along with some quantity of illicit liquor, urea and Ammonium Chloride has been made and it was found that eight plastic tanks of capacity 500 litre each were half embedded in the field for storing the lahan; that one person has been arrested on the spot and he named the other two persons who escaped from the spot, including the applicant; that the offences alleged carry a punishment of imprisonment, which may extend upto life and the offence is otherwise extremely detrimental to the interest of the public at large, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by granting pre arrest bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicant is ***rejected***.

Order Date :- 24.11.2023

Pradeep/-