

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2892 of 2023

Applicant :- Gabbar Gabbar Nishad

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

Counsel for Applicant :- Mohsin Iqbal, Syed Shabih Haider

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mohsin Iqbal, 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. 488 of 2023, under Section 60, 60(2) and 72 Excise Act and Section 272 IPC, Police Station Nawabganj, District Gonda.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 18.10.2023 against three persons, including the applicant, stating that on the basis of an information received from a mukhbir, a team of officials of Excise Department accompanied by a police team had raided a place where illicit country liquor was being manufactured. The other two co-accused persons were arrested from the spot and they stated that the applicant was also involved with them and he had escaped. Four tanks of 500 liters each, one tank of 300 liter, six huge metal pans, three furnaces, iron drum of 200 liter and several other articles used for manufacturing the country liquor, 60 liters illicit liquor, 3 kg urea and 1 kg Ammonium Chloride was recovered besides 2000 liters lahan.
4. In the affidavit filed in support of the anticipatory bail-application, it has been stated that the applicant is innocent and he has no criminal history and he has falsely been implicated in the present case.
5. The applicant's involvement in 7 other cases has been disclosed in the affidavit, 5 of which relate to commission of offence under Excise Act, 1 relates to offence under Goonda Act and one case under Section 323, 452, 504 & 506 IPC.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the quantity of the articles recovered in this case and the applicant's previous criminal history, 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.

7. In view of the above, the anticipatory bail application of the applicant is ***rejected***. However, in case the applicant files any bail application, the same shall be considered and decided, without being influenced by rejection of this anticipatory bail application.

Order Date :- 15.12.2023

Pradeep/-