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

+ **BAIL APPLN. 1348/2016**

JASWANT SINGH

..... Petitioner

Represented by: Mr. Kunal Sachdeva with Ms.
Imran Ali, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Represented by: Mr. Ravi Nayak, APP with SI
Yogender Kumar, PS
Kapashera.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **12.07.2016**

Crl.M.A. 10236/2016 (Exemption)

Allowed, subject to all just exceptions.

Bail Appln. No.1348/2016

1. By this petition, the petitioner seeks anticipatory bail in case FIR No.167/2016 registered at PS Kapashera under Sections 33/58 Delhi Excise Act, 2009 and Sections 468/471/34 IPC.
 2. Learned counsel for the petitioner contends that the petitioner is only the owner/driver of the truck bearing No.HR 55 P 1598 and was merely acting as a transporter for carrying the goods. The forgery, if any, of permit was not done by the petitioner nor the document was of the petitioner.
 3. Learned APP for the State has taken me through the FIR and states that as per Section 33 of the Delhi Excise Act, 2009 (hereinafter referred to as 'the Act') whoever manufactures, imports, exports, transports or removes any intoxicant in contravention of the Act, Rules and the orders is liable to
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be punished with imprisonment for not less than six months which may extend upto three years.

4. A perusal of the FIR would reveal that the complainant who was posted in the Excise Intelligence Bureau intercepted a truck opposite police station Kapashera on 1st June May, 2016 at about 4.30 AM. On checking, the truck, liquor was found to be loaded. On inquiry, the conductor namely Harpreet Singh @ Vicky gave the following documents:-

- (i) Original Invoice No.3 dated 31.5.16 Suppliers Ref. No.GFB/2016-17/003, on which Buyers Name M/s Oriental Wine, Delhi Road, Dhankari Kalan, Ludhiana and on which TIN No.07820422165 was issued by M/s Gr8, .Future Brands Pvt. Ltd. 8/7, WEA Karol Bagh, New Delhi, in which the total price of Description of goods has been written Rs.2097491.76 Paise and signed by Affixing the Authorized Signatory seal.
- (ii) Duplicate copy of above said invoice written at S.No.1, on which also the seal and signatures of Authorized Signatory
- (iii) Photocopy of Export Permit No.EPN 29125004878 dt. 30.5.16 and validity date 31.5.16, on which Ware House godown's name Gre8, Future Brand Pvt. Ltd. 8/7 WEA Off, Pusa Road, Karol Bagh, New Delhi Consignees name and Add is written Oriental Wine L 1/A, Dhandari Kalan, Delhi Road, Ludhiana, alongwith this details of 2 Brand Name Krombacher Pils (330 ML & 500 ML) has been given.
- (iv) One photocopy form L 32, on which 4003/22/4/200/6000/50-4 leaves PB Govt. Press Patiala Book No.435617 and S.No.8717 and No. Of Permit 235- dt. 6.5.16 is mentioned.
- (v) One original Gate Pass which has been issued by Cargo Planners Ltd. International Freight Forwarders & Logistics, Kh. NO.18/1, Kapashera, New Delhi under the signatures of

Authorized signatory at S.No.1265/214 dt. 31.5.16, on which Vehicle No.HR 55P 1598 is mentioned.

(vi) 6 Nos. Illegible photocopy, which have been issued by New Custom House IGI Airport New Delhi.

5. It is alleged that the document at S.No.3 i.e. photocopy of export permit EPN 29125004878 dated 30.5.16 showing the validity date upto 31.5.16 was a forged document.

6. On a query put to learned APP for the State, who on instructions from the investigating officer, states that there is no evidence on record to show that the petitioner who was the owner/driver of the truck was either the consignee or consignor. The documents were given to him along with the consignment which was to be transported and hence prima facie there is no material to show that the petitioner was a party in forging the document.

7. Considering the facts and circumstances of the case, I deem it fit to grant anticipatory bail to the petitioner. Consequently, in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25000/- with one surety of the like amount to the satisfaction of the Arresting Officer/SHO concerned. The petitioner will not leave India without prior permission of the Court concerned.

8. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JULY 12, 2016
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