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

+ **BAIL APPLN. 507/2017**

MUKUT

..... Petitioner

Through Mr.Kedar Yadav, Mr.Hemant Sharma
and Mr.Harikaran Singh, Advs.

versus

STATE OF DELHI

..... Respondent

Through Mr.M.S. Oberoi, APP with ASI S.K.
Srivastava, PS Chandni Mahal.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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22.03.2017

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.37/2017, under Sections 33/58(d) of the Delhi Excise Act, Police Station Chandni Mahal.

As per FIR, the allegations levelled in the present case are that on 14.02.2017, police officials were deputed on vehicle checking duty. At about 11.20 p.m., one three wheeler bearing registration No.DL 1LU 8517 was signalled to stop but it did not stop but was managed to stop by putting a barricade. Two persons were apprehended at the spot i.e. driver as well as conductor, namely,

accused Raju Bahadur and Salman Shan. Upon checking of the three wheeler, illicit liquor was found therein. Total 63 cartons of illicit liquor were recovered.

During the course of investigation, the role attributed to the accused/petitioner is that he was the owner of the three wheeler which was used in ferrying illicit liquor.

Argument advanced by the counsel for the petitioner/accused is that the petitioner is the owner of the vehicle in question and he has not been named in the FIR. The petitioner was not having any knowledge of ferrying the illicit liquor by his driver. It is further submitted that the petitioner cannot be connected in the present case as there is no recovery from him or at his instance.

On the other hand, learned APP for the State vehemently opposed the bail application on the ground that the accused is involved in several other similar cases of smuggling of illicit liquor. It is further submitted that there is previous involvement of accused in 6-7 cases in which his vehicle has been used for illicit liquor.

In view of the fact that the accused is involved in several other similar cases of ferrying illicit liquor and pendency of such cases against him, this Court is not inclined to grant bail to him.

In view of the above mentioned facts and circumstances, no concession of grant of anticipatory bail can be granted to the accused.

Before parting with the order, this Court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing

contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

The application is accordingly dismissed.

P.S.TEJI, J

MARCH 22, 2017
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