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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2186/2017**

SURAJ Petitioner

Through: Mr. Nitin Sehgal, Advocate.

versus

STATE Respondent

Through: Mr. Mukesh Kumar, Advocate with
Investigating Officer.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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03.11.2017

This is an application under Section 438 Cr.PC seeking grant of Anticipatory Bail in case FIR No. 1075/2017 under Section 33 of Delhi Excise Act registered at Police Station – Aman Vihar, Delhi.

The brief facts necessary for disposal of the present application are that on the intervening night of 1st/2nd October, 2017 Ct. Kapil was on patrolling duty in his area and at about 5:00 a.m. when he reached near the office of Narender Property Dealer at Hari Enclave saw several cartons lying there covered with a bed-sheet; that in the meantime petitioner came there, picked two cartons and started walking towards Sultan Puri; that when the petitioner was asked to stop, he fled away from the spot throwing the said cartons; that on checking the said cartons, the same were found containing illicit liquor; that on checking other cartons lying outside the office of Narender Property Dealer, the same were also found to contain illicit liquor; that the total number of cartons were found to be 47;

that the matter was reported to the concerned police station and an FIR has been registered in the instant case.

Learned counsel for the applicant contended that the applicant is an innocent person and has been falsely implicated in the instant matter; that the prosecution failed to trace the real culprit and the applicant has been made a scapegoat; that neither any recovery has been effected from his house nor at his instance; that the story concocted by the police official is far from truth as the constable on duty neither followed the petitioner nor raise an alarm nor tried to apprehend him.

Opposing the bail application, learned APP for the State contended that there was no reason or occasion for the prosecution to falsely implicate the applicant in the present case; that the applicant is also involved in an another case FIR No. 644/2016 under Section 135 I. E. Act registered at police Station – Aman Vihar; that the applicant moved an application for surrender before the concerned Trial Court but failed to appear on the date fixed.

I have heard the counsel for the parties and perused the material available on record.

Perusal of the record shows that the police had prior secret information about the illegal liquor in question which further finds support the statement of the Ct. Umesh Kumar, Excise Department. Moreso, the illegal liquor involved in the instant case was lying in a public place i.e. outside the office of Narender Property Dealer at Hari Enclave. The role attributed to the applicant is that he was seen by the patrolling police official when he was carrying two cartons containing the illegal liquor.

Keeping in view the facts and circumstances of the present case, I find the present case deem fit to grant anticipatory bail to the applicant, subject to the following conditions:

- i) That applicant shall furnish a personal bond in the sum of Rs.25,000/- with one surety of like amount to the satisfaction of the concerned SHO/Investigating Officer;
- ii) That the applicant shall not leave the National Capital Territory of Delhi without the prior permission of the Trial Court;
- iii) That the applicant shall not directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the present case so as to dissuade them from disclosing such facts to the Court or to any other authority.

It is made clear that violation of any of the above terms and conditions, the State is at liberty to seek cancellation of anticipatory bail of the applicant.

Application stands disposed of.

Copy of the order be given dasti under the signatures of Court Master.

SANGITA DHINGRA SEHGAL, J

NOVEMBER 03, 2017

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