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

+ BAIL APPL. 1486/2020 & CRL.M.A. No. 8485/2020 (for exemption)

ANIL KUMAR @ MANGAL Applicant

Through: Mr. Gaurav Kochar, Adv.

versus

THE STATE (NCT OF DELHI) Respondent

Through: Mr. Tarang Srivastava, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **10.07.2020**

At the outset, Mr. Gaurav Kochar, learned counsel for the applicant states that the applicant has withdrawn the application for surrender-cum-bail that he had moved before the learned Duty Magistrate. A copy of order dated 06.07.2020 recording such withdrawal has been forwarded by e-mail.

2. Let a copy of order dated 06.07.2020 be placed on record.
3. The applicant, who is an accused in case FIR No. 311/2020 dated 17.06.2020 registered under section 33 of the Delhi Excise Act 2009 at PS : Mayur Vihar, Phase – 1, seeks anticipatory bail.
4. Mr. Kochar submits that the only allegation against the applicant is that he was found in possession of 30 bottles *i.e.* approximately 7.5 litres of liquor in violation of the provisions of section 33 of the Delhi Excise Act, 2009 ; that the offence is petty in the sense that it is punishable by imprisonment of upto 3 years ; that accordingly, the

proceedings in the matter would also attract the directions as contained in *Arnesh Kumar vs. State of Bihar & Anr.* : (2014) 8 SCC 273; and that the applicant has no other or previous involvement.

5. Counsel further states that the applicant is a married person with two school-going children; and is presently also suffering from some ailments which make him vulnerable to coronavirus infection.
6. Issue notice.
7. Mr. Tarang Srivastava, learned APP appears for the State on advance copy ; and accepts notice.
8. Mr. Srivastava submits that he has instructions from the Investigating Officer that the quantity of seized liquor is indeed small ; and that the applicant has no previous involvement in any criminal case. Mr. Srivastava states that he also has instructions that, subject to the applicant co-operating in the investigation, the State does not oppose grant of anticipatory bail.
9. In view of the above, it is directed that in the event of his arrest, the applicant shall be released on bail by the SHO/Investigating Officer on the following conditions :
 - a. The applicant shall furnish a personal bond in the sum of Rs.25,000/- with 01 local surety in the like amount, to the satisfaction of the SHO/Investigating Officer ;
 - b. The applicant shall furnish to the Investigating Officer/SHO PS: Mayur Vihar Phase-I, a cell phone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times ;

- c. If the applicant has a passport, he shall surrender the same to the Investigating Officer ;
 - d. The applicant shall not contact nor visit nor offer any inducement, threat or promise to the first informant/complainant or to any of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the matter.
 - e. The applicant shall co-operate fully in the investigation.
- 10. Nothing in this order shall be construed as an expression on the merits of the case.
 - 11. The bail application stands disposed of.
 - 12. Other pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

JULY 10, 2020/uj