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

+ BAIL APPLN. 2901/2024, CRL.M.A. 24343/2024 and
CRL.M.(BAIL) 1363/2024

LAVIT

.....Petitioner

Through: Mr.Aditya Vikram Bhardwaj, Advocate

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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16.08.2024

1. By way of the present bail application, the applicant seeks anticipatory bail in FIR No.307/2024 registered under Sections 33/58 of Delhi Excise Act, 2009 & Sections 186/353 IPC at P.S. Maidan Garhi, Delhi.

2. Learned counsel for the applicant submits that as per the allegations levelled in the FIR, on 09.06.2024, two cars were chased by the police staff posted at *Jheel Khurd@ Bass Gaon*, one of them being alleged to be a *Scorpio* driven by the applicant. When the first car being a *Skoda* was intercepted and its driver arrested, he in his disclosure statement, had taken the name of the applicant. It is further submitted that during the pendency of the anticipatory bail application before the Sessions Court, the applicant had duly joined the investigation. It is also contended that the applicant's father was picked up and beaten by the police in respect of which a detailed complaint including a writ petition was also filed.



3. Learned APP for the State has vehemently opposed the bail application. He submits that as per the prosecution case, both the aforesaid cars were carrying illicit liquor from Gurgaon to Delhi. The applicant's name has clearly figured in the disclosure statement of the co-accused. He further submits that the applicant not only failed to stop the car, but he also tried to run over the police staff present there. He, however, concedes that the FIR is only under Sections 186/353 IPC and no injury has been caused to anyone. It is also submitted by him that insofar as the submission *qua* applicant's father is concerned, a detailed vigilance enquiry was conducted and the CCTV footage was also verified wherein no incident of such nature as alleged was found to have occurred. It is also stated that the applicant is involved in three other cases including under Arms Act.

4. At this stage, learned counsel for the applicant submits that the applicant is on bail in the aforesaid cases.

5. I have heard the learned counsel for the applicant as well as learned APP for the State and have also gone through the material placed on record. It is noted that the co-accused, who was apprehended at the spot and from whose car the illicit liquor was recovered, was bound down and not arrested and the applicant has already joined the investigation during the pendency of his anticipatory bail before the Sessions Court.

6. Considering the aforesaid, it is directed that in the event of arrest, the applicants be released on bail subject to his furnishing a personal bond in the sum of ₹25,000/- with one surety of like amount, to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and further subject to the following further conditions: -



- (i) At the time of furnishing bail bond, the applicant shall provide his mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when asked.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential addresses/contact details, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
- (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- (vi) The applicant shall regularly appear before the trial Court.

7. The application is disposed of in the above terms alongwith the pending applications.

8. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail applications.

MANOJ KUMAR OHRI, J

AUGUST 16, 2024

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