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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1567/2025 & CRL.M.A. 12352/2025 INTERIM PROTECTION.**
MOHAMED HASANPetitioner

Through: Mr. Rohit Yadav, Mr. Akshat Maheshwari, Mr. Anil Singh, Mr. Ravinder and Ms. Kaveri Chauhan, Advs.

versus

STATE GOVT OF NCT OF DELHIRespondent
Through: Mr. Hitesh Vali, APP with SI Madal Lal, PS-Anand Parbat.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
20.05.2025

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1. This is an application for the grant of the anticipatory bail filed on behalf of the petitioner in case FIR No.189/2025 under Sections 33/58 of Delhi Excise Act, 2009 registered at PS-Anand Parbat.
2. The learned counsel for the petitioner submits that the entire incident narrated in the FIR is a concocted version. He further submits that petitioner was not even present at the spot. The face of the petitioner is not visible in the CCTV footage. Custodial interrogation of the petitioner is not required as no recovery is to be effected from the petitioner. It is further submitted that petitioner has already joined the investigation and fully cooperated with the IO while he was granted protection by the Sessions Court and had not misused the liberty granted to him.
3. The bail application has been opposed by the learned APP stating that



petitioner is required for the custodial interrogation. He did not cooperate with the investigation and has been absconding and could not be arrested. He is involved in two more cases of similar nature and, therefore, is not entitled to the grant of bail.

4. As per the case of the prosecution, secret information was received that co-accused Surrender Pathak has brought the liquor in the Mahindra Pickup Van and the present petitioner (Mohamed Hasan) who is the supplier was making supply of the liquor. On reaching the spot, both the police officials found the liquor cartons lying near the wall of the park. Petitioner was seen standing near the liquor carton and was keeping those cartons on a scooty.

5. Upon seeing the police persons, the petitioner and the other boy who were standing near the scooty ran away from the spot. On checking, 109 cartons of liquor were recovered from the spot.

6. Admittedly, the co-accused Surrender Pathak has been granted bail but the present petitioner cannot claim parity inasmuch as Surrender Pathak has been granted regular bail. Petitioner is required for the purpose of custodial interrogation to unearth the source of supply. He is previously involved in two more cases under the Delhi Excise Act. Hence, keeping in view the entire facts and circumstances, in my view, petitioner is not entitled to pre-arrest bail. The application is therefore dismissed.

RAVINDER DUDEJA, J

MAY 20, 2025

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