

(2020) 02 DEL CK 0367
In the Delhi High Court
Case No : Bail Application No. 592 Of 2020

Pawan Kumar

APPELLANT

Vs

State (Govt. Of Nct Of Delhi)

RESPONDENT

Date of Decision : 27-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 186, 307, 332, 353, 356, 379, 427
Delhi Excise Act, 2009 — Section 33, 38, 58

Citation : (2020) 02 DEL CK 0367

Hon'ble Judges : Brijesh Sethi, J

Bench : Single Bench

Advocate : Nitin Sehgal, Raghuendra Varma

Final Decision : Dismissed

Judgement

Brijesh Sethi, J

1. Vide this order, I shall dispose of an anticipatory bail application filed on behalf of the petitioner Pawan Kumar under section 438 Cr.P.C. in FIR

No. 522/2019 u/s. 33/38/58 Delhi Excise Act PS Kanjhawala. Ld. Counsel for the petitioner has prayed for anticipatory bail on the ground that

petitioner is innocent and have been falsely implicated in the present FIR.

2. The prosecution case is that on 31.12.2019, on a secret information, police raided and seized certain amount of illicit liquor and six persons were

arrested in the present case by the police and an FIR was got registered. The said accused persons who were arrested named one Mr. Kuldeep as

the owner of the said liquor in their disclosure statement. Later on Kuldeep was also arrested and he had disclosed the name of the petitioner and the

police on the basis of said discloser is involving the petitioner who has nothing to

do with the said offence. The name of the present applicant also does not figure in the FIR.

3. It is submitted that all the accused persons who were arrested by the police from the spot have been released on bail. It is submitted that the alleged liquor has not been recovered from the house / premises of the petitioner, nor it is been recovered from his vehicle. The recovery has already been effected by the police and, therefore, custodial interrogation of the petitioner is not required. It is submitted that petitioner is ready to join the investigation as and when required and has, therefore, prayed that he be released on bail in the event of his arrest.

4. The application is opposed by the Ld. APP for the State on the ground that huge amount of illicit liquor has been recovered in this case and petitioner is also involved in another case. Ld. APP has, therefore, prayed for dismissal of the anticipatory bail application.

5. I have considered the rival submissions. Learned Counsel for the petitioner has relied upon the following decisions in bail applications;

- i). Roop Madan vs. State, 1997(65) DLT 14,
- ii). Geeta Vs. State, Bail Appl. No. 569/2017,
- iii). Suman vs. The State, Bail Appl. No. 642/2018.
- iv). Suraj Vs. State, Bail Appl. No. 2186/2017.

6. I have gone through the above bail applications. The same are distinguishable on the basis of facts and circumstances stated herein. Perusal of the police file reveals that there is a statement of Landlord Ajeet Singh on record. He has stated that three accused persons including petitioner has taken

the subject premises on rent for storing and supplying of liquor and since a handsome amount of rent i.e. @ 24,000/- p.m. was offered, he had let out

the said premises to Kuldeep, Sanjay and petitioner Pawan Kumar. A perusal of his statement reveals the role and involvement of the petitioner. The

case is at the initial stage of investigation. Huge quantity of illicit liquor has been recovered. Record further reveals that petitioner is also involved in

another case bearing FIR no. 400/2017, under Sections 307/186/353/332/427/379/356/34 IPC, P.S. Bawana.

7. In view of the above facts appearing on record and nature of offence, no grounds for anticipatory bail are made out. The anticipatory bail

application is, therefore, dismissed.